

Santa discusses gifts with Rhys, 10, and Rylan, 8, Anstine of Westerville during the Ohio Statehouse Holiday Festival and Tree Lighting on Thursday evening.

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## **Rotunda Rumblings**

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**Purdue pushback:** OxyContin's manufacturer fired off a letter to Ohio Attorney General Mike DeWine saying that it would not simply settle the Republican's lawsuit alleging drug makers created the state's opioid epidemic. If you remember in late October, DeWine, who is also running for governor, told the companies in letters it's time to talk payout. But Purdue Pharma is not lying down -- DeWine's suit will be lengthy and expensive for Ohio, company attorney Maria Barton wrote.

= 9 **Farm aid:** The Ohio Farm Bureau is cheering a state Supreme Court decision that will allow landowners to take complaints about their agricultural land values directly to the Ohio Board of Tax Appeals. Before Thursday's decision, if producers challenged taxes on what are known as "current agricultural use values," they couldn't get anywhere, the bureau's Leah Curtis said, because local officials would defer to the state tax commissioner's guidance on how the land was valued, and the state board refused to hear the appeals.

= 9 **Turf war:** DeWine said Thursday he may go to court to keep the Columbus Crew soccer team from moving to Austin. In a statement, DeWine said that he's "prepared to take the necessary legal action" to ensure that the Crew follows a 1996 state law requiring pro sports teams with tax-supported facilities to give the city or local residents a chance to buy the team before it can leave. Americans for Prosperity-Ohio called DeWine's stance an "attack on private property rights."

= 9 **Get the party started:** The Cuyahoga County Democrats held their annual holiday party on Thursday. Some big names in the governor's race showed up. Dayton Mayor Nan Whaley worked the crowd. Betty Sutton

was at another engagement, but campaign manager Randy Borntrager was spotted. Richard Cordray made a surprise visit (and also got chummy with possible gubernatorial rival Dennis Kucinich).

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**Bye, bye Barnhart:** One familiar name who won't be operating in Cordrayland during the governor's race is Melissa Barnhart, a prominent Columbus-area Democratic fundraiser. Barnhart is a divisive figure in Franklin County Democratic politics and some said Cordray needed to dump her. Asked Thursday night about her potential involvement, Cordray said bluntly, "She will not have a role in my campaign," formal or otherwise.

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**Where's the cheddar?** So who is going to raise money for Cordray? He told Capitol Letter he's vetting national help and hopes to announce something in a week or so.

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**Judge Jim?** Rep. Jim Hughes won't run for re-election next year, choosing instead to seek a common pleas court judgeship. On Wednesday, the Franklin County Republican Party endorsed the Upper Arlington Republican for the bench and endorsed ex-Upper Arlington City Councilman Erik Yassenoff to take over his District 24 seat.

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**Seal of approval:** Other Franklin County GOP endorsees for open or Democratic-held legislative seats include: Rep. Anne Gonzales for Senate District 3, Jordan Garcia for Senate District 15, Rep. Andrew Brenner for Senate District 19, John Rush for House District 17, David Todd for House District 18, Tim Barhorst for House District 19, Bobby Mitchell for House District 20, and Stu Harris for House District 21.

= 9 **Speaking of endorsements:** Cordray was backed this week by two prominent Cincinnati Democrats: Cincinnati City Councilman PG Sittenfeld and Hamilton County Clerk of Courts Aftab Pureval. Meanwhile, Whaley snagged an endorsement from Lima Mayor David Berger, her campaign announced Thursday.

= 9 **Cyberattack:** The Ohio Democratic Party has a new website, DeWineHusted2018.com, targeting DeWine and running mate Jon Husted on issues ranging from DeWine suing Planned Parenthood to Husted's attempts to rein in early voting.

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## = 9 Stories We're Talking About

= 9 **Leaving, but not leaving:** Capitol Letter's Jeremy Pelzer was first to report that Democratic gubernatorial candidate Bill O'Neill will announce Friday that he plans to resign from the Ohio Supreme Court at a later date. O'Neill is going back on his previous declaration that he would drop out of the governor's race once Richard Cordray got in.

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**Not leaving and not settling:** Republican Lt. Gov. Mary Taylor, contrary to rumors, is not going to run for any office besides governor next year, she told cleveland.com's Seth A. Richardson. One reason she wants to stay in the race? The way things stand, if Mike DeWine wins the nomination, the entire GOP statewide slate will be white men. That lack of diversity is a problem, she said.

= 9 **Home rule rules:** Cleveland and other communities won two significant court victories over state government Thursday. A Cuyahoga County judge upheld a challenge to a state law that restricted municipalities' ability to control the placement of wireless cell equipment in public spaces, cleveland.com's Jackie Borchardt reports. And an appeals court upheld Cleveland's "Fannie Lewis" law that requires contractors on big government jobs to hire local workers, cleveland.com's Andrew J. Tobias reports. State lawmakers tried to preempt the law.

= 9 **High-tech tools in the opioid battle:** The Ohio Third Frontier Commission awarded \$10 million to advance technologies that will battle drug abuse and addiction, Capitol Letter's Laura Hancock reports. It's part of an initiative announced by Gov. John Kasich during his State of the State speech. Among the recipients are the University of Akron and two Northeast Ohio companies.

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**Ethical problem:** = 2 Ohio's top IT official breached state ethics rules when he solicited a \$37,000 conference sponsorship fee from a contractor whose projects he oversaw," according to the Ohio inspector general, Borchardt reports. The case of Stuart Davis, chief information officer for the Department of Administrative Services has been referred to prosecutors.

- = 9 **Another hat in the ring:** Republican State Sen. Troy Balderson is jumping into the race to succeed resigning U.S. Rep. Pat Tiberi in the 12 District, the Zanesville Times Recorder reports.
- = 9 **Conference call:** Republican Ohio U.S. Sen Rob Portman will play a key role in crafting the final GOP tax package in the U.S. Congress, reports cleveland.com's Stephen Koff. Portman is the only Ohioan on the conference committee that will settle the differences between the House and Senate versions.

## = 9 **What's Going On Today**

- = 9 **Friday 9:30 a.m. – Sherrod Brown to visit Cleveland insurance enrollment site:** The Democratic U.S. senator will use the visit to alert Ohioans about ways to enroll in a new health-care plan or update their current coverage before the Dec. 15 deadline. *12201 Euclid Ave., Cleveland.*
- = 9  
**Friday 6:30 p.m. – Kasich, billionaire CEOs to discuss workforce innovation:** Gov. John Kasich is scheduled to join ex-Google CEO Eric Schmidt and L Brands CEO Les Wexner to talk about how technology affects workforce development. *Great Hall Meeting Room, Ohio Union, Ohio State University, 1739 N. High St.*
- = 9 **Saturday 9 a.m. – state vehicle surplus auction:** 31 motorcycles and 45 Dodge chargers will be among cars, trucks and SUVs for sale. *Ohio General Services Division headquarters, 4200 Surface Road.*
- = 9 **Saturday 3 to 5 p.m. – Rep. Michael Sheehy to host health care town hall:** The Toledo Democrat and local public-health officials will help residents sign up for insurance coverage. *Toledo Lucas County Public Library, Maumee Branch, 501 River Rd., Maumee.*

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## **Five Questions**

- = 9 Jerry Wray is the director of the Ohio Department of Transportation.

= 9 1. *ODOT's been working a lot with autonomous vehicle technology. What's the ultimate goal for that at the end of the day?*

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"With the improvements to the vehicles and the improvements to the system, ...we can see a day when we will dramatically reduce or maybe eliminate serious accidents and fatalities. So that's the big payoff."

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2. *Are any specific projects a priority for the department right now?*

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"Our number-one responsibility is to maintain the system. ...Over 90 percent of our resources go toward just taking care of what we have. ...Somebody hits the guardrail in Cuyahoga County every day."

= 9 3. *What's something personally you would like to see among Ohio's transportation network?*

= 9 "We've always financed the transportation system with basically the gas tax. As we look to the future, that's probably not going to be as good a system as what we've had in the past, because we're going to have more fuel-efficient vehicles. ...I think it will ultimately be some form of [paying based on] vehicle miles traveled, and you'll pay that regardless of what kind of vehicle you have."

= 9 4. *Do you personally like driving? Do you go on road trips?*

= 9

"I personally like driving. ...I happen to commute from Newark to Columbus, so I have a really rough commute. It's a very congested area in the morning ...There have been times in the winter when what should have been about a 15-minute drive is a 2-hour drive. So I experience the frustration and delay and inconvenience that other motorists do around the state."

= 9

5. *You first started working for ODOT in 1969. How has the department, as an organization, changed since then?*

= 9 "The change is dramatic. We have become so much more professional,

so much more efficient. ... It used to be sloppy and inefficient, and we were sort of a typical government agency. That's no longer the case."

= 9

## **Birthdays**

= 9 William Bebb, Ohio's 19th governor (1802-1873)

## **Straight From The Source**

= 9 "Ohio progressives know that for real change to be realized it's best to fight in the court of law and court of public opinion."

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- ProgressOhio Executive Director Sandy Theis, on the group awarding its 2017 Progressive Hero Award to "The Resistance" and ACLU Ohio.

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**Capitolletter@cleveland.com.**

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**From:** LawNewsWatch  
**Sent:** Thursday, December 28, 2017 12:09 PM  
**To:** Lenzo, Mike  
**Subject:** 2018 Employment Law Update, Jan. 15

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## **2018 Employment Law Update**

**Monday, January 15, 2017 1:00 - 2:30 pm Eastern Standard Time**

**Length: 1 hour 30 minutes**  
**Lorman**

**Sponsored by**

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**Registration - Live Webinar Only: \$209.00**

**Registration - Live Webinar Plus CD Recording: \$278.00**

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**Make sure your policies and procedures are in compliance with all of the recent changes to Federal employment law.**

A number of significant changes to Federal employment law have taken place in recent years. These changes affected employers' obligations in areas such as hiring, wages, discrimination, and termination.

During this topic, we will: (1) review the significant changes to employment law, legal and administrative changes from 2017; (2) take a look at the employment law changes we expect in 2018; (3) review current and anticipated changes in employment law (including EEO developments, leave laws, ADA updates, and examples and case studies); and (4) suggest ways to be compliant with these changes. If employers have not already done so, they should review and revise their policies and procedures to ensure they are in compliance with these changes.

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## **Learning Objectives**

- You will be able to discuss the laws that apply to your business.
- You will be able to review employment law changes in 2017.
- = 9 You will be able to describe what to expect in 2018.

= 9

- You will be able to explain employment law compliance in 2018.

## = 9 This live webinar covers these hot issues

### Getting on the Same Page

- The Laws That Apply to Your Business
- The Governmental Agencies You Are Likely to Encounter
- The Administrative and Litigation Landscape

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### 2017-in Review

- = 9 Top Court Decisions
- Top Legislative/Regulatory Changes
- Other Employment Law Changes

= 9

### = A 2018-What to Expect

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- New President
- Courts
- Administrative
- EEOC
- NLRB
- DOL
- Other Agency Issues

### Employment Law Compliance in 2018

- = A EEO
- = 9 ADA
- = 9 FMLA

- NLRB
- At Will Statements
- Social Media
- Access Policies
- And More . . .

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Only registered attendee will receive continuing education credit.

## **Faculty**

### **Burton D. Garland, Jr., Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**

- Shareholder at Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
- Practice includes union avoidance counseling and campaigns, elections, objections to elections, R-Case strategy and litigation, collective bargaining, strikes and injunctions, arbitration, and unfair labor practice charges before the National Labor Relations Board
- Employment practice includes litigating employment discrimination matters under Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, Fair Labor Standards Act, the

Federal False Claims Act, and the various state counterparts to these federal laws

- = 9 Practice includes advising clients on employment-related matters and drafting personnel policies, employment contracts, severance agreements, and employee handbooks
- J.D. degree, St. Louis University School of Law; M.B.A. degree, St. Louis University; B.S.B.A. degree, University of Arizona

This message was sent to [mike.lenzo@ohiohouse.gov](mailto:mike.lenzo@ohiohouse.gov).

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**From:** Capitol Letter  
**Sent:** Friday, December 29, 2017 6:16 AM  
**To:** Lenzo, Mike  
**Subject:** Lobbyists and political experts look to 2018

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Friday Dec. 29, 2017

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# Capitol Letter

Laura Hancock and Jeremy Pelzer

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## **Rotunda Rumblings**

= 9 In Thursday's Capitol Letter, Ohio House leaders gave their predictions and resolutions for 2018. Today you'll find out what some Cap Square

lobbyists and political experts are forecasting for the new year.

= 9 **Troy Judy, lobbyist and former GOP House chief of staff**

= 9 Prediction:

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"House Republicans will keep the majority, of course. Mike DeWine and Jon Husted will become governor and lieutenant governor. We are going into an 'Animal House' lame duck session next year... There's going to be a lot of stuff getting jammed through."

= 9 Resolution:

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Judy hasn't yet decided on a resolution.

= 9 **Kent Scarett, executive director, Ohio Municipal League and former legislative liaison for Gov. George Voinovich**

= 9 Prediction:

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"I think the majority in the House will lose some seats. I don't think they'll lose the majority but they'll lose some seats. I think that will force some greater cooperation across the aisle... And there's going to be more pre-emptions and more challenges to home rule."

= 9 Resolution:

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"My professional resolution is to broaden the coalition of groups that are aware of how local government issues impact them and how we can do a better job of bringing parties together on like issues and speaking with one voice for the betterment of Ohio. That includes groups that we normally don't agree with, like the Chamber of Commerce. We have differing views but we have so much more in common."

= 9 **Ben Kasier, lobbyist and former deputy political director for Kasich for America**

= 9 Prediction:

= 9

Because of his crossover appeal, John Kasich's endorsement will be one of the most sought-after in the country in the general election of '18."

= 9

Resolution:

= 9 "Follow the Golden Rule as much as possible."

= 9 **Nick Everhart, Republican political and media consultant**

= 9 Prediction:

= 9

"In this political environment, it's going to be very difficult for Republicans to hang on to all the down-ballot statewide elected offices in 2018. Just because most down-ballot primaries have been eliminated does not guarantee a general-election sweep."

= 9

Resolution:

= 9 "Be grateful for, not resent the tough political environment. It's good for business :)"

= 9 **Keary McCarthy, president/CEO of Innovation Ohio and former Ohio House Democrats' chief of staff**

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Prediction:

= 9 "I predict that both the Cleveland Cavaliers and the Ohio Democratic Party are going to be very successful in 2018."

= 9 Resolution:

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"To step up my Twitter game, much like Rich Cordray has over these last few weeks."

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**Matt Borges, former Ohio Republican Party chair**

= 9 Prediction:

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"I'll continue to be hilarious on Twitter."

= 9 Resolution:

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"I resolve to have a more positive attitude during Ohio State football games but predict that will not come close to happening."

= 9

**Amy Hanauer, executive director of Policy Matters Ohio**

= 9 Prediction:

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"In 2018, Ohio voters will vote to reform sentencing. This will reduce incarceration and free up resources for drug treatment and services that help crime victims. In 10 years, fewer Ohioans will be sent to prison because of addiction while more people — who would have otherwise been trapped in the criminal justice system — will instead be supporting their families and contributing to their communities."

= A Resolution:

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"At Policy Matters Ohio — [www.policymattersohio.org](http://www.policymattersohio.org) — we will find more reasons to be hopeful, amused and light-hearted as we continue to fight for better jobs, more sustainable communities, more quality public services, and a fairer economy."

**= 9 The Buckeye Institute's Rea S. Hederman Jr. providing the prediction and Greg Lawson providing the resolution**

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Prediction:

= 9 The federal government will approve an Ohio Medicaid waiver that draws praise from both the governor and the General Assembly.

= 9 Resolution:

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Policymakers will establish a Blue Ribbon Commission to study the

benefits of Blue Ribbon Commissions.

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## Stories We're Talking About

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**When every penny counts:** About 146,000 Ohio workers will get a small raise Monday when the state's minimum wage increases 15 cents to \$8.30 an hour. Cleveland.com's Jackie Borchardt writes the higher wage still leaves a full-time worker in a family of three about \$3,000 below the poverty line.

= 9 **Party starter:** A Canton Repository profile of Jane Timken, the new Ohio GOP chair who President Donald Trump championed to challenge previous chair Matt Borges, says she prefers to stay out of the limelight and sees her job as getting Republican candidates elected.

= 9 **Wrong side of the law:** The Ohio Supreme Court indefinitely suspended Lance Mason, a former Democratic lawmaker and ex-Cuyahoga County Common Pleas judge, from practicing law. Borchardt reports that Mason, who pleaded guilty after severely beating his wife in 2014, can apply for reinstatement after submitting to a mental health evaluation and meeting the terms of the Ohio Lawyers Assistance Program. Mason, you might recall, landed in a job at Cleveland City Hall after serving his prison time.

= 9 **Sutton says:** Democratic gubernatorial candidate Betty Sutton, a former congresswoman, replied to a Columbus Dispatch Q&A that she's OK with legal recreational marijuana – if local governments get a say in the law and if revenue is shared with the state and not kept with a wealthy few companies.

= 9 **"Not a creature was stirring, not even a mouse..."** Lawmakers are celebrating the holidays at home with their families, and the Statehouse is fairly quiet – except for the visitors who told the Dispatch's Marty Schladen about what they learned on their tours.

= 9 **No "slow poke" laws:** Ohio is one of a handful of states with no laws on the use of left highway lanes outside cities. Other states require slower

cars to move over, or only use left lanes when passing, according to the Springfield News-Sun.

= 9 **Dollars and sense:** For some homeowners, pre-paying property taxes may mean they owe less to the IRS, according to accountants who provided tips to the Dayton Daily News about how people can prepare for the tax overhaul that President Trump just signed.

## = 9 **What's Going On Today**

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The Statehouse is quiet today.

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## **Full Disclosure**

= 9 Five things we learned from the May 15 ethics filing of Ohio Secretary of State Jon Husted, a 2018 GOP candidate for lieutenant governor.

= 9 1. He received gifts from Zane State College and the Ohio Convention Committee.

= 9 2. He reported ownership in a company called A.R.T. Squared (formerly Personal Coaching of Ohio) that is registered to his wife, Tina.

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3. He owed at least \$1,000 to American Express, VISA and Wells Fargo.

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4. He received \$854.94 in reimbursement for attending the National Association of Secretaries of State 2016 summer conference in Nashville.

= A 5. The Ohio Petroleum Marketers and Convenience Store Association bought him \$66 worth of meals and beverages on Aug. 3, 2016, and the Ohio Hospital Association bought him \$341.75 worth of meals and beverages on April 23, 2016.

## = 9 **Birthdays**

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State Rep. Darrell Kick (Saturday)

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## **Straight From The Source**

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"*This is a win-win situation. You can save money on your taxes and help conservative candidates Mike DeWine and Jon Husted make Ohio even better!*"

= 9 - An email plea from the GOP governor and lieutenant governor candidates, asking supporters for cash and touting the campaign donation tax deduction for contributions of \$50 per person or \$100 per couple. ('Tis the time of year for such appeals.)

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**Capitolletter@cleveland.com.**

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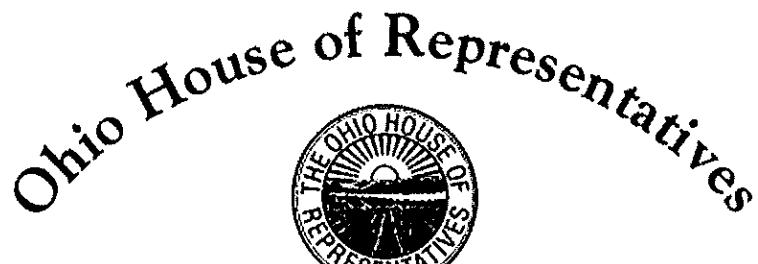
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**From:** Paretti, Dominic  
**Sent:** Monday, February 5, 2018 5:01 PM  
**To:** House>All  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave



**MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship – Paid Family and Medical Leave

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We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of family and medical leave benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption, or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a

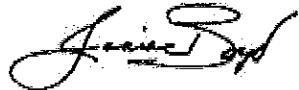
claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

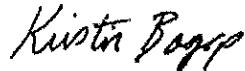
An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**



**Janine Boyd  
State Representative, Ohio House District 09**



**Kristin Boggs  
State Representative, Ohio House District 18**

**From:** Capitol Letter  
**Sent:** Monday, February 12, 2018 6:15 AM  
**To:** Lenzo, Mike  
**Subject:** Education bill sets up battle between teachers and administrators, businesses

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Monday Feb. 12, 2018

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# Capitol Letter

Laura Hancock and Jeremy Pelzer

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## = 9 **Rotunda Rumblings**

= 9 **License check:** A bill that would allow a superintendent to hire teachers for grades or subject areas for which they are not licensed is pitting teachers against superintendents and the business community.

Senate Bill 216, called the “Public School Deregulation Act,” makes other sweeping changes, such as increasing to seven years the time non-teaching school employees must work to receive tenure, and changing teacher evaluations. The Ohio Chamber of Commerce and the Central Ohio Building and Construction Trades Council back the bill. The Buckeye Association of School Administrators has coordinated a dozen superintendents’ testimonies, from Berkshire village to Wyoming city, and is visiting individual lawmakers to drum up support, said the association’s Tom Ash.

= 9 **Op-ed:** Among opponents are the Cleveland Metropolitan School District, the United Way of Greater Cincinnati and teachers' unions across the state – including the Ohio Education Association. OEA President Becky Higgins said current licensing requirements ensure teachers are prepared for the classroom. But there may be room for negotiation because she said in an email to Capitol Letter the group supports the bill's change in teacher evaluations.

= 9 **Working out the details:** While the Department of Medicaid continues to develop its work requirement proposal for Medicaid expansion recipients, the Cleveland-based Center for Community Solutions said in a new policy paper that health insurers and providers may have to maintain more paperwork to keep people covered, an additional burden to them. Medicaid spokeswoman Melissa Ayers told Capitol Letter that once the proposal is released, there will be a 30-day public notice period and two public hearings before the proposal is sent to Washington for approval.

= 9 **Don't leave me:** Reps. John Patterson, a Jefferson Democrat, and Rick Carfagna, a Genoa Township Republican, have proposed a college loan repayment program for people with degrees from Ohio colleges and universities in science, technology, engineering and math – provided they stay in the state and work in their field. They believe such a workforce would spur innovation and the economy. The \$15 million loan repayment program in House Bill 396 would need to be renewed after next fiscal year, however, since the measure only provides one year of funding.

= 9 **Smack in the middle:** Ohio road performance and cost effectiveness are 26th highest in the country, according to a new report from the

libertarian Reason Foundation that looked at state spending, fatalities and federally designated deficient bridges.

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**Retirement plan?** State Rep. Bill Seitz has notified the Hamilton County Board of Elections that he plans to retire by the end of the year. But the Cincinnati lawmaker isn't going anywhere - it's a procedural move to collect his public pension while also collecting a legislative salary if he wins re-election this year - a maneuver known as "double-dipping," according to the Cincinnati Enquirer. Of course, it's also a way for Seitz to thumb his nose at his critics who have called on him to resign for making derogatory comments about a fellow lawmaker earlier this month.

= 9 **Double trouble:** Double-dipping is legal but controversial. Even the conservative American Legislative Exchange Council, whose board Seitz sits on, has called for eliminating the practice.

= 9 **Picking favorites:** The Ohio Republican Party's state central committee weighed in Friday on Ohio's top GOP primary races, endorsing Mike DeWine for governor and Jim Renacci for U.S. Senate. As cleveland.com's Andrew Tobias explains, the decision opens the door for the endorsed candidates to get party assistance while pressuring the non-endorsed candidates to drop out.

= 9 **Taylor goes off on DeWine:** Gubernatorial candidate Mary Taylor and U.S. Senate hopeful Mike Gibbons gave the time-honored response for candidates passed over for an endorsement, saying it should be Ohio voters, not "establishment" insiders, who pick the winner. Taylor forcefully made her displeasure known. "You are sending a dangerous message that elections are about inevitability," she told central committee members. Taylor laid into DeWine at length, saying (among many other quotable lines) that he "has a liberal voting record as long as the line of babies he's kissed and hands he's shook." She also said she wouldn't support DeWine in the general election.

= 9

**Sexism at work?** The central committee also got a talking-to from former Ashtabula County Treasurer Sandy O'Brien, who lost the party's endorsement for state treasurer to Robert Sprague. O'Brien said there is an "institutional bias" in favor of men, who can raise more money than

women because they don't have to spend as much time taking care of children and elderly family members. State GOP Chair Jane Timken said such criticism was "ironic," given that she was elected as head of the party after raising close to \$3 million for Republicans.

= 9 **Gay friendly:** The national LGBT advocacy group Human Rights Campaign has endorsed Rep. Nickie Antonio over Rep. Martin Sweeney in the Democratic primary for Senate District 23. In a release, the group said while it rarely endorses candidates ahead of a primary, Antonio – currently the only openly gay Ohio state lawmaker – "has been a relentless champion of equality and fairness in Ohio."

## = 9 **Stories We're Talking About**

**All in the family:** State Rep. Martin Sweeney's daughter Bride Rose Sweeney has filed to take over the Cleveland Democrat's House District 14 seat. And as cleveland.com's Mark Naymik reports, "she is in excellent position to win" over three primary challengers. One of those opponents, Rick Raley, claims Bride is ineligible to run because she's lived outside the district for years, a charge Bride denies.

= 9 **Dayton drama:** State Rep. Niraj Antani has accused his fellow Dayton-area Republican, Rep. Jim Butler, of recruiting Miamisburg Vice Mayor Sarah Clark to challenge Antani, in the primary, according to the Dayton Daily News' Lynn Hulsey. Butler and Clark denied the accusation, with Clark saying she believes it's the opening salvo in an expected 2020 primary between Antani and Butler for term-limited State Sen. Peggy Lehner's seat.

= 9

**Toledo War:** "Former state officeholder Mark Wagoner Jr. is claiming to have nearly matched political rival Jon Stainbrook in recruiting candidates for the battle to elect a new chairman of the Lucas County Republican Party," writes the Toledo Blade's Mark Reiter. "The question now is how many of the potential 276 precinct committee hopefuls will get elected in the May 8 primary for the opportunity to vote for chairmanship of the party."

= 9

**Think Theis:** On the latest episode of cleveland.com's "Ohio Matters"

podcast, Progress Ohio Executive Director Sandy Theis offers insight and stories about her nearly 40 years as both a dogged statehouse reporter and a progressive activist.

= 9

**On the air:** The political ads have started in the crowded special election for Ohio's 12th congressional district. Carol O'Brien, one of 11 Republicans seeking Pat Tiberi's former seat, is now airing a one-minute radio ad in the Columbus market labeling her a "constitutional conservative" and touting her work as Delaware County prosecutor, according to the Columbus Dispatch's Jessica Wehrman.

= 9 **You're fired:** Democratic gubernatorial candidate Richard Cordray tells the Dispatch's Darrel Rowland that if he had stayed at the Consumer Financial Protection Bureau, President Donald Trump would have fired him after last week's candidate filing deadline had passed. "The only reason he would have survived even that long is that Trump was heeding Ohio Republicans' request not to make him a martyr for the governor's race," Rowland writes.

= 9 **Schoolyard fight:** State Sen. Joe Schiavoni went after Democratic gubernatorial rival Dennis Kucinich for taking three years to criticize the 2015 "Youngstown Plan," which may lead to the privatization of the city school district, according to the Youngstown Vindicator. Schiavoni: "This is how politicians work. They figure out which issues get you upset, then they promise to fix everything. Everyone's telling you what they'll do. You should look for the candidate who's already doing it."

= 9 **Knee problems:** Democratic gubernatorial hopeful Bill O'Neill came under fire Saturday from Cordray and others during a Black Votes Matter forum in Columbus over O'Neill's disapproval of NFL players who take a knee during the National Anthem to protest police violence against minorities. The Dispatch's Marty Schladen has more.

## = 9 **Full Disclosure**

= 9

Five things we learned about Euclid Democratic state Rep. Kent Smith's May 15 financial disclosure.

= 9 1. He only listed one job in 2016 -- state representative -- from which he earned \$65,584.

= 9

2. He has investments in the Ohio State Public Employees Retirement System and the School Employees Retirement System of Ohio.

= 9

3. He owed at least \$1,000 each to Ally Bank and Capital One.

= 9 4. The state reimbursed him \$7,748 for mileage between home and Columbus.

= 9 5. He also racked up \$700 in travel expenses from the National Caucus of Environmental Legislators.

## = 9 **On The Move**

= 9 Democratic gubernatorial candidate Rich Cordray announced he has hired Nelson Devezin as his campaign political director. Devezin has been the Ohio Democratic Party's political director since 2014.

= 9

## **What's Going On**

= 9 **8 a.m. – Ohio State Board of Education.** *Ohio Department of Education, 22 S. Front St.*

= 9 **7 to 9 p.m. – Fundraiser for Fair Districts = Fair Elections:**

Scheduled special guests include Catherine Turcer of Common Cause Ohio and Ohio State University professor emeritus Richard Gunther.

Contribution levels range from \$25 to \$100. *EI Arepazo, 515 S. High St.*

= 9

**4 p.m. – Rally in support of Capital Care Network transfer agreement:** NARAL Pro-Choice and pro-abortion rights locally elected officials and clergy will gather to call on two local hospitals, ProMedica and St. Luke's, to sign a transfer agreement with Toledo's last open abortion clinic, which the Ohio Supreme Court ordered shuttered last week. *Corner of Monroe and Midwood avenues, Toledo.*

= 9

**4 p.m. – SEIU workers to rally in Cleveland:** Workers plan to hold a rally and news conference on the 50th Anniversary of Historic Memphis Sanitation Strike. *RTA HealthLine, 105th St. and Euclid Ave.*

= 9 **5:30 to 7 p.m. – Rep. John Becker fundraiser:** House Speaker Cliff Rosenberger is slated to be a special guest. Donation levels range from \$250 to \$5,000. Eastgate Grammas Pizza, 618 Old State Route 74, #5, Cincinnati.

= 9

## **Straight From The Source**

= 9 "Just spoke to @JohnKasich to express condolences and prayers to all for the horrible shooting of two great police officers from @WestervillePD. This is a true tragedy!"

= 9 - President Donald Trump, tweeting Sunday about Saturday's fatal shooting of two Westerville police officers.

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*One of our aims with Capitol Letter is frequent communication with you, the reader. We value your thoughts and suggestions about the newsletter. What do you think of it? What features do you like? What could we do better? Is there a topic you'd like to see us address? And what time would you like to receive the newsletter? We've been sending it at about 6:15 a.m. Would you like it to arrive earlier? We value your feedback and are committed to making Capitol Letter your essential first read of the morning. Email us at [Capitolletter@cleveland.com](mailto:Capitolletter@cleveland.com).*

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**From:** Paretti, Dominic  
**Sent:** Tuesday, February 20, 2018 10:15 AM  
**To:** House\_All  
**Subject:** FW: Request for Co-Sponsorship – Paid Family and Medical Leave

\*\*REMINDER-DEADLINE TO CO SPONSOR IS MARCH 9, 2018 at 4PM

Dominic Paretti

Legislative Aide to Representative Boyd  
Ohio House District 09  
614-644-5079

**From:** Paretti, Dominic  
**Sent:** Monday, February 05, 2018 5:01 PM  
**To:** House\_All <House\_All@ohiohouse.gov>  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave



**MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship – Paid Family and Medical Leave

---

We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of

family and medical leave benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption, or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

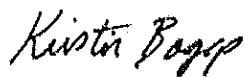
An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**

A handwritten signature in black ink, appearing to read "Janine Boyd".

**Janine Boyd**  
State Representative, Ohio House District 09

A handwritten signature in black ink, appearing to read "Kristin Boggs".

**Kristin Boggs**  
State Representative, Ohio House District 18

**From:** Capitol Letter  
**Sent:** Friday, February 23, 2018 6:16 AM  
**To:** Lenzo, Mike  
**Subject:** Lawmaker looks to expand Ohio's outdoor drinking law

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Friday, Feb. 23, 2018

[View in Browser](#)

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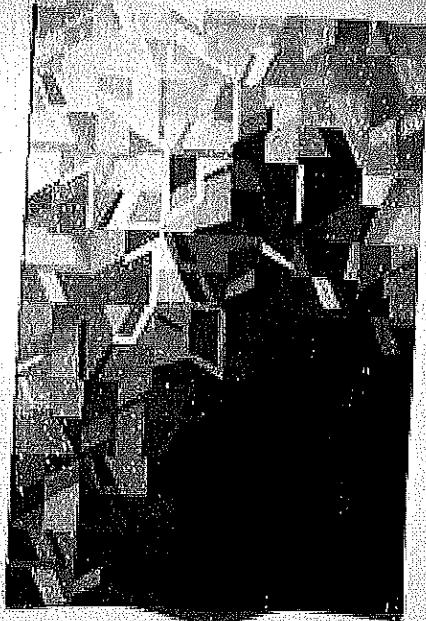
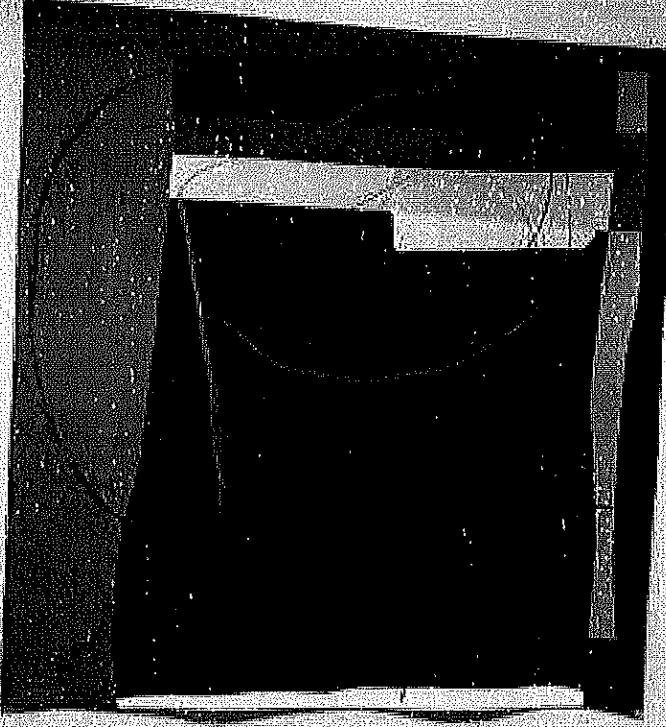
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# Capitol Letter

Laura Hancock and Jeremy Pelzer

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Contemporary art quilts hang in the Riffe Gallery from the Quilt National '17 exhibition, a biennial juried competition produced by the Dairy Barn Arts Center in Athens. The exhibition is free. It's across the street from the Statehouse in the

Vern Riffe Center for Government and the Arts and continues through April 14. (Laura Hancock, Capitol Letter.)

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## Rotunda Rumblings

= 9 **Booze news:** A new bill from Rep. Laura Lanese seeks to allow temporary outdoor drinking areas in Ohio. In 2015, state legislators passed a law allowing permanent "designated outdoor refreshment areas," but it didn't cover temporary liquor permits, or ? CF-permits," used for events such as outdoor festivals. Lanese, a Grove City Republican, told Capitol Letter she doesn't foresee much opposition to House Bill 522, noting that it has the support of the state Division of Liquor Control.

= 9 **Appeal in the works:** The more than 160 cities and villages whose challenge to a centralized state taxing system was denied have ordered

their attorneys to appeal the case to a higher court. Capitol Letter reported Thursday that a Franklin County Common Pleas judge rejected the challenge to the Ohio Business Gateway, which allows companies to pay muni taxes to the state instead of each community where they do business. While businesses argue the new system saves time and money, munis feel it is a violation of home rule. Kent Scarrett of the Ohio Municipal League said the communities don't think the judge considered some of their points and want another shot before a higher court.

= 9 **Name game:** The Senate Government Oversight and Reform Committee this week held a second hearing on anti-fraud legislation that would create a system to notify Ohio businesses when someone seeks to open a business under a similar name. Senate Bill 179 would also require limited-liability companies registered in Ohio to maintain an agent in the state and notify the Ohio secretary of state's office when such agents change their address or identity. Sen. Frank LaRose, during sponsor testimony before the committee last fall, said he brought the bill after hearing of an Ohio business' troubles with a fraudulent foreign company that opened under a similar name.

= 9

**Cordray goes on the offensive:** Democrat Richard Cordray's gubernatorial campaign went negative against primary rival Dennis Kucinich for the first time Thursday, releasing an email blasting Kucinich's "long, and bizarre, support of President Trump" and taking him to task for deleting a tweet praising Trump's inauguration speech. While Cordray is still considered the frontrunner in the Democratic primary, the attack shows that Team Corday is concerned enough about Kucinich that they feel the need to go negative. But Cordray spokesman Mike Gwin, who sent out the email, denied that his campaign is worried, writing to Capitol Letter that he's just "not going to pass up an opportunity for a layup."

= 9 **Kucinich gets Berned:** Kucinich's campaign is trying to claim U.S. Sen. Bernie Sanders' endorsement by association after he was backed by Our Revolution, Sanders' post-presidential campaign organization. But Sanders, speaking with the Washington Post, pretty explicitly ruled out any direct endorsement of Kucinich. "I've known Dennis Kucinich forever. I consider him a friend," Sanders said. "But I am not making an endorsement there."

= 9 **Lawmakers target school safety:** Following last week's mass shooting at a Florida high school, Ohio lawmakers have been focused more on improving school safety than on tougher gun-control regulations. Senate President Larry Obhof said earlier this week that he's had preliminary talks with Minority Leader Kenny Yuko about working together to make schools safer – including, he said, increasing funding for safety programs. Already, Democratic Sen. Joe Schiavoni has introduced legislation that would provide grants to school districts to improve their safety measures. In the House, meanwhile, House Education Committee Chair Andrew Brenner announced that legislation will be introduced so his committee can hear testimony from experts about what lawmakers can do to improve school safety. Democratic Sens. Mike Skindell and Charleta Tavares did introduce legislation Tuesday to ban assault weapons and require gun registrations in Ohio, but it's unlikely that their bill will move anywhere fast.

= 9

**Teachers packing heat?** Lt. Gov. Mary Taylor, after a Thursday panel discussion at the Conservative Political Action Conference, shared her thoughts on gun control. Don't restrict Second Amendment rights, she said, and instead address mental health issues that cause people to target schools. She also wants to better secure schools, including arming teachers: "I don't have a problem with teachers being armed, and training teachers," she said.

= 9 **Musical chairs:** House Republicans on Thursday announced a number of new committee vice-chairs, including Rep. Darrell Kick (Armed Services, Veterans Affairs, and Homeland Security), Rep. Laura Lanese (Civil Justice), Rep. Craig Riedel (Economic Development, Commerce, and Labor), and Rep. Tom Patton (Transportation and Public Safety). Even often-marginalized Rep. John Becker was promoted to vice-chair of the House Federalism and Interstate Relations committee. Rep. Scott Lipps, meanwhile, was named chair of the House Finance Subcommittee on State Government and Agency Review.

= 9 **Freshmen assignments:** The Ohio House's two newest members, GOP Reps. Jim Hoops and Riordan McClain, got their committee assignments Thursday. Hoops, who previously served in the House

between 1998 and 2006, was named vice chair of the Financial Institutions, Housing, and Urban Development committee; he also was appointed to the Agriculture and Rural Development, Energy and Natural Resources, and State and Local Government committees. McClain, meanwhile, also scored a House Ag seat, as well as appointments to the Ways and Means, Higher Education and Workforce Development, and Government Accountability and Oversight committees.

## = 9 Stories We're Talking About

= 9 **Under review:** State Sen. Bill Coley wants to put a freeze on final marijuana cultivation licenses while state auditors examine how the applications were reviewed and scored, [cleveland.com's Jackie Borchardt reports](#). Concerns about the process have been raised since late last year, and recently, regulators admitted that an unintentional scoring error prevented one company from winning a license.

= 9

**Upheaval:** Jon Heavey, the Rocky River physician who wants to run as a Democrat for governor, says he will challenge the secretary of state's determination that he didn't have enough signatures to qualify for ballot, [cleveland.com's Seth Richardson reports](#). Heavey called the system "rigged."

= 9

**It's settled:** The state and the U.S. Army Corps of Engineers have resolved a dispute over the dredging of Cleveland Harbor and the Cuyahoga River, [cleveland.com's Eric Heisig writes](#). The agreement settles a federal lawsuit and requires the Army Corps "to bear the cost of placing the sludge from the bottom of the river into containment dikes in 2016 and 2017," Heisig writes.

= 9 **NRA money:** In the wake of the mass shooting at a Florida high school, survivors have accused the NRA of using political donations to block gun control measures. [Cleveland.com's Sabrina Eaton looks](#) at how much the NRA has spent supporting and opposing Ohio members of Congress.

= 9

**Welcome back:** [The Columbus Dispatch's Randy Ludlow reveals](#) that the Ohio Casino Control Commission rehired and promoted an employee after

he was convicted of dereliction of duty in his previous job as the state's deputy tax director. Rick Anthony's promotion to deputy executive director of the casino commission boosted his pay 23 percent, to \$100,006 a year.

= 9 **Powerful:** Corry Bliss, who ran Ohio U.S. Sen. Rob Portman's 2016 campaign and many others, was named one of GQ's "50 Most Powerful People in Trump's Washington." Bliss, as head of the Congressional Leadership Fund, "has a huge job: saving the GOP's House majority in 2018," GQ notes.

## = A **Five Questions**

= 9 Connie Gadell-Newton is an attorney and social justice activist running for governor in the Green Party. She has lived in Columbus nearly her entire life and received an undergraduate degree from Ohio State University and a law degree from Penn State. She's been involved in food access and community gardens and the anti-rape and anti-violence event Take Back the Night, among other issues.

= 9

1. *Are you campaigning around the state?*

= 9 "Yes, I am. We've been going to Cincinnati, Cleveland, Toledo, meeting with local grassroots citizens' groups. We've been working on coalition building with issue groups, like anti-fracking groups? 6 since summer of last year."

= 9 2. *Are you fundraising or are you self-funding? How do you pay for travel?*

= 9

"My step-mom gave me an old Jeep, so I've been driving the Jeep around. We've raised some money for basic expenses, but it really is a campaign on a shoestring."

= 9 3. *The Green Party was an early supporter of legalized marijuana. Do you feel like Bill O'Neill has co-opted this issue?*

= 9

"It seems like Bill O'Neill is kind of a one-issue candidate. That is an important issue to us. But I'm definitely not a one-issue candidate. We also

care about the environment... We are advocating to end privatized prisons in Ohio... And universal health care is something we're advocating for."

= 9

*4. In addition to universal health care, your website says you want to ban assault rifles and advance other progressive ideas. How will you implement these, considering the legislature will likely remain in Republican control?*

= 9

"I'm definitely willing to work with people to look for solutions that will work for everybody in our society... And I know that there are certain things where not everybody's going to agree ,but I think we can look for areas of common ground. So we want to also have universal health care, which I think helps with some of the mental health issues that people talk about related to the gun problem."

= 9

*5. You said you enjoy vegetarian and vegan cuisine in Columbus. What restaurants do you recommend?*

= 9 "I live in Olde Towne East, which is just east of downtown Columbus. In my neighborhood there are a couple of really good restaurants. The Angry Baker -- they bake their own bread and they have vegan and vegetarian options. And Yellow Brick Pizza is an independently owned pizza restaurant, and they have a great menu of craft beer and they also have vegan options for pizza, so you can get vegan cheese."

= 9

## **What's Going On**

= 9 **Friday 8 a.m. = 2 Bureau of Workers' Compensation board of directors meeting.** Room 3, Level 2, William Green Building, 30 W. Spring St.

= 9 **Friday 11 a.m. – Med marijuana lawsuit update:** Jimmy Gould, CEO of CannAscend Ohio, along with attorneys and others, will hold a press conference to discuss the latest with the marijuana cultivation license lawsuit against the state. Columbus Antheneum, Corinthian Room, 32 N. Fourth St.

= 9 **Friday 11:40 a.m. – Welsh flag raising:** The Welsh Society of Central Ohio plans to raise the Welsh flag in a ceremony that includes singing the

national anthems of Wales and the United States. *West Plaza, Ohio Statehouse.*

= 9 **Friday 1:30 p.m. – Attorney General Mike DeWine to make announcement about rape-kit testing.** *Ohio Bureau of Criminal Investigation, 1560 State Route 56 SW, London.*

= 9

**Friday 3 p.m. – Rich Cordray at Owens Community College:** The Democratic gubernatorial candidate will tour the school and meet with administrators. *Owens Community College, Center for Emergency Preparedness, 30140 Tracy Road, Walbridge.*

= 9 **Friday 4 p.m. – U.S. Sen. Rob Portman to visit Zanesville auto-parts store:** The stop is part of the Cincinnati-area Republican's ongoing tour to promote the recently passed GOP tax-reform plan. *GKM Auto Parts, 32 8th St., Zanesville.*

= 9

**Saturday 10 a.m. to noon – Donuts with Rep. Dave Greenspan:** The Westlake Republican plans to meet with constituents to field their general questions and comments. *Westlake Porter Library, 27333 Center Ridge Rd., Westlake.*

= 9

**Saturday Noon – Working People’s Day of Action rally:** Labor union members and supporters are set to hold a rally in Columbus (as well as other cities) ahead of the U.S. Supreme Court oral arguments in a case over public-sector union fees. *West Plaza, Ohio Statehouse (Event will move to the Statehouse Rotunda in case of bad weather).*

= 9 **Saturday 7 to 10 p.m. – Alpha Phi Red Dress gala:** Proceeds from the event will be donated to the Alpha Phi Foundation for women’s heart health research and awareness. *Atrium/Rotunda, Ohio Statehouse.*

= 9 **Sunday 2:30 p.m. – Democratic statewide candidates town hall:** Scheduled attendees include gubernatorial candidates Joe Schiavoni, Richard Cordray, Bill O’Neill, and Dennis Kucinich; secretary of state candidate Kathleen Clyde; state auditor candidate Zack Space; and Ohio Supreme Court candidates Michael Donnelly and Melody Stewart. *Union*

*County Veterans Memorial Auditorium, 233 W. 6th St., Marysville.*

## = A Birthdays

= 9 Friday:

Rep. Ryan Smith

= 9

Saturday:

= 9 Quinn Beeson, Buckeye Institute economic research analyst  
Wilson Shannon, Ohio's 14th and 16th governor (1802-1877)

## = A Straight From The Source

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"Doping in curling. Really?! Russians are masters of cartoonish villainy.  
#ThemRussians"

= 9-Ohio Rep. Mike Duffey, responding on Twitter to a New York Times story about a Russian curling athlete under investigation at the Winter Olympics for allegedly using a banned substance.

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**essential first read of the morning. Email us at**

**Capitolletter@cleveland.com.**

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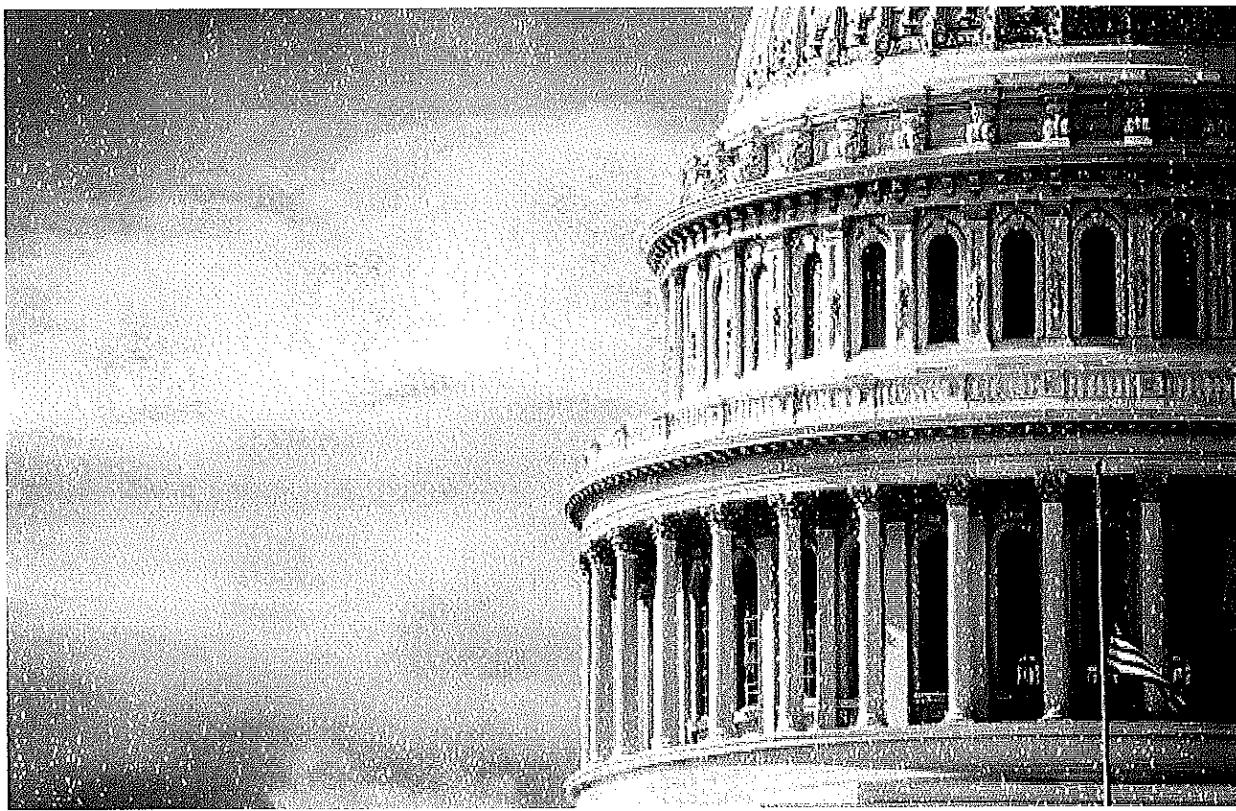
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**From:** Max.Behlke@ncsl.org  
**Sent:** Tuesday, February 27, 2018 10:31 AM  
**To:** Lenzo, Mike  
**Subject:** Cap to Cap: This Week: Gun Control and Remembering the Rev. Billy Graham



# CapitoltoCapitol

NATIONAL CONFERENCE of STATE LEGISLATURES



**Feb. 27, 2018**

*In This Issue:*

**This Week: Gun Control and Remembering the Rev. Billy Graham**

**US Supreme Court Hears Arguments in Union Dues Case**

**White House Meeting on School Safety**

**Supreme Court to Hear Online Sales Tax Case in April**

**DACA and Immigration Debate Stalls in Senate**

**Congressional Appropriators Race to March 23 Deadline**

**House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures**

**Also of Note...**

**This Week: Gun Control and Remembering the Rev. Billy Graham**

Congress returned yesterday from its Presidents' Day recess, which was dominated by the issue of gun control. Since the Feb. 14 shooting at Stoneman Douglas High School in Parkland, Fla., the nation has been immersed in an intense debate on what to do to prevent future school shootings. However, don't expect Congress to act this week. While the Senate will be in session all week, the House will conclude business today to make way for the remembrance of Rev. Billy Graham, who will become only the fourth private citizen to lie in honor in the Capitol Rotunda on Wednesday and Thursday.

**US Supreme Court Hears Arguments in Union Dues Case**

Perhaps the most significant debate on Capitol Hill this week will take place yesterday in the U.S. Supreme Court. The decision could not only affect every member of a public sector union but also result in the largest shift in federal education policy in 40 years.

On Monday, the U.S. Supreme Court heard oral argument in Janus v. American Federation of State, County and Municipal Employees (AFSCME) Council 31. Mark Janus, a public-sector employee in Illinois, is challenging the constitutionality of a state statute allowing public sector employers and unions to agree that employees who don't join the union must still pay their "fair share" of collective bargaining costs. Janus argues that

requiring him to pay his "fair share" of union dues is a violation of his First Amendment free speech rights. Janus asserts he should have the choice to join or not join, pay or don't pay.

Since 1977, when the US Supreme Court ruled in *Abood v. Detroit Board of Education*, public employees subject to fair share agreements have been required to pay for union representation, even if the worker doesn't join the union.

It is estimated that *Janus v. AFSCME* could impact 5.5 million public sector employees. The ruling could alter the relationship between labor and management, nationwide union membership and dues collection. At present, 22 states authorize fair share for public sector employees.

The *Janus* decision may have an outsized impact on public education given that two of the three largest public sector unions in the nation relate to education= 7the National Education Association and the American Federation of Teachers. Employees in education had the highest unionization rate of all sectors, with 37.2 percent being represented by a union.

On Dec. 5, attorneys general in 20 states (Michigan, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Missouri, Nebraska, Nevada, Oklahoma, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin) filed an amicus curiae brief in support of Janus. On Jan. 19, attorneys general in 20 states (New York, Alaska, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington) and the District of Columbia filed an amicus curiae brief in support of AFSCME.

In 2016, the U.S. Supreme Court considered a similar case *Friedrichs v. California Teachers Union*. With the death of Justice Antonin Scalia, the Court deadlocked with a 4-4 decision. Justice Gorsuch could be the swing vote to overturn *Abood*. A decision is expected by the end of June.

**NCSL Contacts:** Jon Jukuri (labor), Joan Wodiska (education)

**DYK?** Sunday marked the 25th anniversary of the first terror attack on the World Trade Center. The attack, which killed six people and injured more than a thousand others, involved Islamic terrorists who blew up a 1,200 pound bomb in an underground parking garage in an attempt to collapse the twin towers.

### **White House Meeting on School Safety**

In the wake of the Parkland, Fla., school shooting, last week President Donald Trump, Vice President Mike Pence, and Secretary of Education, Betsy DeVos met with more than 40 survivors, teachers and community members to discuss strategies to reduce school violence. In the meeting, the president expressed his support to improve federal background checks on gun purchases, equip school staff with firearms and explore other avenues to improve school safety. The president also issued a [Presidential Memorandum](#) directing the U.S. Department of Justice to "expeditiously as possible, to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns." An official [federal regulatory review](#) of the "bump stock" rule began last fall, following the deadly shooting in Las Vegas, Nev. Over 100,000 comments were received and are being reviewed by the Justice Department.

**NCSL Contact:** [Joan Wodiska](#)

### **Supreme Court to Hear Online Sales Tax Case in April**

On Friday, the Supreme Court set the argument date for the *South Dakota v. Wayfair* remote sales tax case for Tuesday, April 17. If the court rules in the South Dakota's favor, every state could be granted the authority to require remote businesses to collect and remit sales taxes on transactions made by their state's residents. If South Dakota loses, the long-term viability of the sales tax as a state revenue stream for states may be in jeopardy. For more, visit [NCSL's page](#) that summarizes the case as well as the history of remote sales tax collection issue in the states.

**NCSL Contacts:** [Max Behlke](#), [Jake Lestock](#)

### **DACA and Immigration Debate Stalls in Senate**

Before Congress recessed, and before the re-emergence of the gun control debate, a fierce debate on immigration consumed Capitol Hill. However, lawmakers on Capitol Hill failed to reach a consensus on the issues of immigration reform, border security and the "Dreamers" and there is still no clear path forward for a comprehensive deal. In the Senate, neither of the four immigration-related proposals cleared the 60 vote threshold needed to advance legislation and it is unlikely that any proposal from the House would be entertained by the Senate.

While the president had set March 5 as the deadline for Deferred Action for Childhood Arrivals (DACA) recipients, at which point he would terminate the program, federal district judges in California and New York have delayed that possibility, thus allowing more time for negotiators to work out a deal. On Monday morning, the U.S. Supreme Court denied the administration's request to rule on the legality of DACA in advance of a U.S. Circuit Court decision. In a one sentence denial of the administration's request, the Court stated, "[I]t is assumed that the Court of Appeals will proceed expeditiously to decide this case." The Court of Appeals is expected to rule on the injunction as early as April.

**NCSL Contact:** Susan Frederick, Lucia Bragg

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**NCSL Contact:** Joan Wodiska

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**NCSL Contact:** [Susan Frederick](#), [Lucia Bragg](#)

**DYK?** Since 1870, when Senator [Hiram Revels](#) of Mississippi and Representative [Joseph Rainey](#) of South Carolina became the first African Americans to serve in Congress, a total of 153 African Americans have served as U.S. Representatives, Delegates, or Senators.

## Congressional Appropriators Race to March 23 Deadline

The Bipartisan Budget Act of 2018 included the fifth continuing resolution (CR) for fiscal year (FY) 2018 and set new spending caps on how much the government can spend through FY 2019. Now, lawmakers have just four weeks to craft the 12 annual appropriations bills, or one combined omnibus bill, before March 23 when the government is at risk of another government shutdown. To make things even more complicated, the budget deal also had several informal agreements that were agreed to, but did not give specifics. This includes yearly funding of:

- \$3 billion to "fight against the opioid and mental health crises."
- \$10 billion for infrastructure.
- \$2 billion to "rebuild and improve" veteran's health care.
- \$2 billion for "college affordability."
- \$2.9 billion for the child care development block grant.
- \$1 billion for the National Institutes of Health.

Now, appropriators will have to translate how this funding will look while the party leaders act as chaperones to make sure everybody complies with the deal's stipulations. This also may be the last major legislative vehicle of the year, so you can bet lawmakers are rushing to get their priority bills added to the omnibus. The budget deal reached earlier this month also created a joint committee that is specifically tasked with "advancing reforms to the budget and appropriations process." Last week, House leaders made their selections on who would try to tackle this monstrous task. Speaker Paul Ryan chose Steve Womack (R-Ark.), Rob Woodall (R-Ga.), Jodey Arrington (R-Texas), and Pete Sessions (R-Texas), while Minority Leader Nancy Pelosi chose Nita Lowery (D-N.Y.), Lucille Roybal-Allard (D-Calif.), Derek Kilmer (D-Wash.) and John Yarmuth (D-Ky.). Senate leaders have yet to name their eight members to the reform committee.

NCSL Contacts: Max Behlke, Jake Lestock

**DYK?** On Feb. 25, 1863, 155 years ago, President Abraham Lincoln signed the National Currency Act (later called the "National Bank Act"), which was the first attempt to establish a central bank following the failures of the First and Second Banks of the United States. The law aim to address the hodge-podge of local banks, local money, and conflicting regulatory standards that existed before the Civil War. The act allowed for the creation of national banks, planned for a national currency, and gave the federal government the ability to sell war bonds and securities.

## **House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures**

House Financial Services Committee Chair, Jeb Hensarling (R-Texas), appears to be open to negotiations with the Senate on Dodd-Frank rollback measures. Hensarling, who has a steady track record of wanting to wholly dismantle Dodd-Frank, now seems to be open to more moderate reforms in a strategic attempt to get legislation to the president's desk.

Hensarling's original banking reform legislation, the Financial CHOICE Act of 2017, would have removed significant portions of Dodd-Frank. His new strategy consists of multiple individual bills amounting to an a la carte offering of banking reform measures. House Republicans are hoping that this strategy is more palatable to moderate senators than the sweeping Financial CHOICE Act, which many deemed D.O.A. in the Senate last year after it passed the House.

In his attempt to work with the Senate, Hensarling seems willing to ease up on tough reform proposals designed to slash the Consumer Financial Protection Bureau—an agency that has proven to be a political lightning rod since its Dodd-Frank inception in 2010. Bipartisan policies that seem to be on the table in both chambers include relaxing regulatory oversight of credit rating agencies and increasing capital holdings thresholds for small and mid-sized banks that currently require heightened scrutiny under Dodd-Frank.

These latest attempts to move bi-partisan banking reform legislation come at the chagrin of some Democrats who feel that such measures would amount to taking a step back after progress made in the post-Great Recession era. If the House and Senate can successfully negotiate the legislation, the president has signaled ardent support for legislation that rolls-back Dodd-Frank in any form.

**NCSL Contact:** Ethan Wilson

### **Also of Note...**

- Governors to Washington: Stop dithering on guns – POLITICO

State leaders from both parties implored federal lawmakers this weekend to listen to their states' examples for responsible firearm legislation after the school shooting in Parkland, Fla., increasingly exasperated with the slow pace of debate and halting progress in the nation's capital.

- [Trump's personal pilot 'in the mix' to lead the Federal Aviation Administration](#) – Washington Post

President Trump's personal pilot is "in the mix" to lead the Federal Aviation Administration, a White House official confirmed Sunday night.

- [After testy call with Trump over border wall, Mexican president shelves plan to visit White House](#) – Washington Post

Tentative plans for Mexican President Enrique Peña Nieto to make his first visit to the White House to meet with President Trump were scuttled this week after a testy call between the two leaders ended in an impasse over Trump's promised border wall, according to U.S. and Mexican officials.

- [California Democratic Party doesn't endorse Feinstein re-election bid](#) -- Fox News

The California Democratic Party will not endorse Sen. Dianne Feinstein's re-election bid this year, with delegates at the party's annual convention giving the majority of votes to her top primary challenger, progressive State Sen. Kevin de Leon.

- [Read the Democratic rebuttal to the Nunes memo, annotated](#) – Washington Post

#### Read the Feb. 12, 2018 Capitol-to-Capitol.

Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey!](#)

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

*Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the policy directives and resolutions adopted during NCSL's Legislative Summit.*



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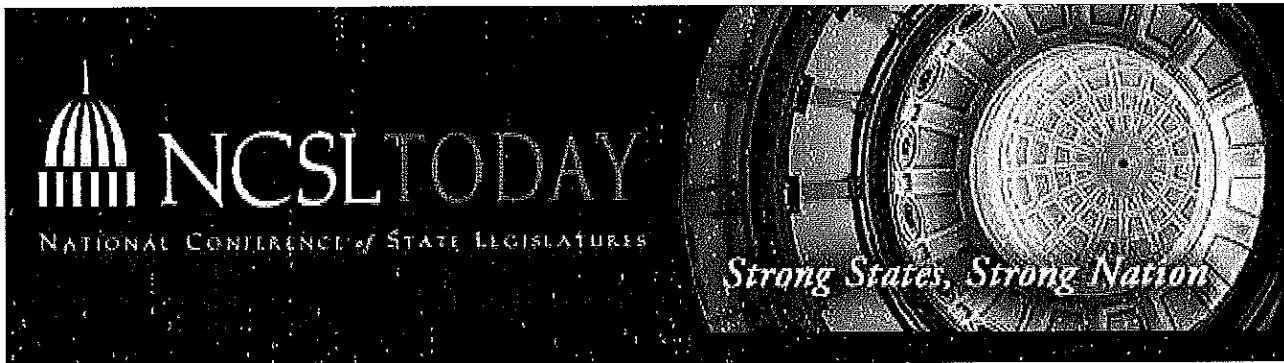
7700 East First Place, Denver, CO 80230

**From:** NCSL TODAY  
**Sent:** Tuesday, February 27, 2018 11:17 AM  
**To:** Lenzo, Mike  
**Subject:** What states are doing about gun laws in wake of Florida shooting

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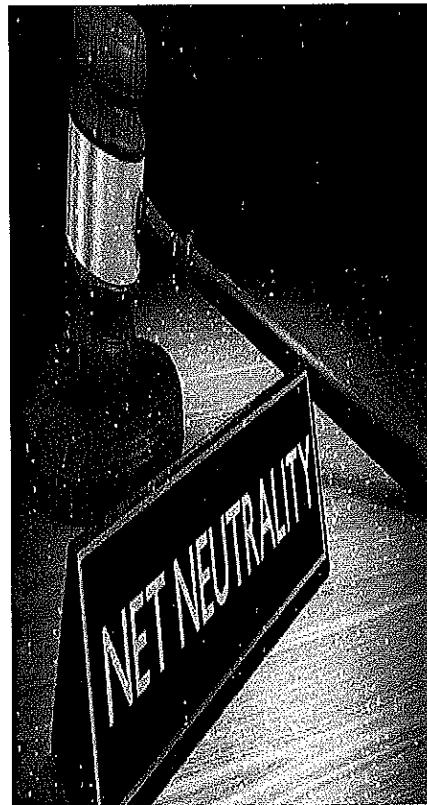
## TOP NEWS Feb. 27, 2018

### What states are doing about gun laws in wake of Florida shooting

*The New York Times*

It is not just in Florida, where the mass shooting at a high school is prompting lawmakers to take up gun control legislation. The same thing is happening across the country, from Washington to Vermont.

[NCSL Blog post on carrying firearms in K-12 schools.](#)



### Supreme Court to hear online tax case April 17

Bloomberg

The U.S. Supreme Court will soon hear a long-simmering challenge about states' taxing authority over online retailers. And states should have the high court's answer by the start of summer. [NCSL brief cited](#).

[NCSL resources on remote sales tax collection.](#)



### What the Supreme Court's ruling means for DACA and 'Dreamers'

*USA TODAY*

By refusing to hear a California case, the high court ensured that DACA will survive at least through the fall, giving DACA enrollees a temporary reprieve from deportation and Congress more time to craft a permanent solution for them.

[NCSL resources on DACA.](#)

### Net neutrality legislation in the states

Net neutrality legislation has been introduced in over half of the states, largely in response to the Federal Communications Commission Restoring Internet Freedom Order.



### Iowa lawmakers move to allow health plans that skirt Obamacare rules

*The Des Moines Register*

### 2018 legislative races by state and chamber

The Iowa Farm Bureau Federation could offer health insurance plans that don't comply with the federal Affordable Care Act under legislation advancing in the Iowa Legislature.

### New Jersey lawmakers: Let inmates vote from prison

*NJ.com*

State lawmakers on Monday announced legislation that would return voting rights to nearly 100,000 people locked up in prison or serving parole or probation.

[NCSL resources on felon voting rights.](#)

### Feds provide Connecticut schools money for new students from Puerto Rico

*CT Mirror*

Connecticut schools scrambled to accommodate the new arrivals — most of them non-English speakers — without additional resources from a cash-strapped state government.

### Webinar March 9: Fiscal 50

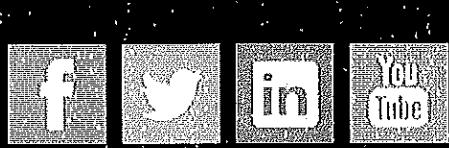
- How does your state rank?

### Price of democracy: Splitting the bill for elections



### Gorsuch silent during SCOTUS union dues oral argument

If there ever was a case where the vote of only one Justice is likely to matter it is *Janus v. American Federation of State, County and Municipal Employees*. All attention was focused on Justice Neal Gorsuch this morning as the Supreme Court held oral argument in this case. And he was...silent.



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7700 East First Place, Denver, CO 80230

**From:** Paretti, Dominic  
**Sent:** Tuesday, February 27, 2018 5:05 PM  
**To:** House\_All  
**Subject:** FW: Request for Co-Sponsorship – Paid Family and Medical Leave

\*\*REMINDER-DEADLINE TO CO SPONSOR IS MARCH 9, 2018 at 4PM

Dominic Paretti  
Legislative Aide to Representative Boyd  
Ohio House District 09  
614-644-5079

---

**From:** Paretti, Dominic  
**Sent:** Monday, February 05, 2018 5:01 PM  
**To:** House\_All <House\_All@ohiohouse.gov>  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave



**MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship – Paid Family and Medical Leave

---

We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of family and medical leave benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption, or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**



**Janine Boyd**  
State Representative, Ohio House District 09

*Kristin Boggs*

**Kristin Boggs**  
**State Representative, Ohio House District 18**

**From:** Fedor, Teresa  
**Sent:** Tuesday, February 27, 2018 9:34 PM  
**To:** Paretti, Dominic  
**CC:** House\_All  
**Subject:** Re: Request for Co-Sponsorship – Paid Family and Medical Leave

Yes

Sent from my iPhone

On Feb 27, 2018, at 5:05 PM, Paretti, Dominic <[Dominic.Paretti@ohiohouse.gov](mailto:Dominic.Paretti@ohiohouse.gov)> wrote:

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MARCH 9, 2018 at 4PM**

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Ohio House District 09  
614-644-5079

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**To:** House\_All <[House\\_All@ohiohouse.gov](mailto:House_All@ohiohouse.gov)>  
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<image002.jpg>

**Janine Boyd**

**State Representative, Ohio House District 09**

<image003.png>

**Kristin Boggs**

**State Representative, Ohio House District 18**

**From:** Capitol Letter  
**Sent:** Thursday, March 1, 2018 6:15 AM  
**To:** Lenzo, Mike  
**Subject:** House OKs bill allowing debt-settlement companies in Ohio

= 9

Thursday, March 1, 2018

[View in Browser](#)

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# Capitol Letter

Laura Hancock and Jeremy Pelzer

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## = 9 **Rotunda Rumblings**

= 9 **Debt settlement bill clears House:** The Ohio House on Wednesday voted 58-37 to pass legislation allowing for-profit debt settlement providers — companies hired to negotiate lower payments with a debtor's creditors — to operate in the state. Supporters of House Bill 182 say it will give consumers more choices to avoid financial ruin. Opponents say the measure (which now heads to the Senate) would allow non-lawyers to engage in the practice of law and wouldn't cap fees the companies could charge.

= 9 **Payday lending reform deal?** House Speaker Pro Tem Kirk Schuring told reporters Wednesday that a revised bill to toughen rules on payday

lenders will be unveiled "maybe in the next two weeks." Schuring and Rep. Kyle Koehler have been holding behind-the-scenes meeting for months on the issue. Schuring suggested the new proposal wouldn't address auto-title lending: "As Rep. Koehler has said many times over, that's already in the revised code."

= 9

**Some aren't willing to wait:** Anti-payday lender advocates took a first step Wednesday toward putting a proposed constitutional amendment on the ballot that would impose stricter rules on the industry. [Cleveland.com's Jackie Borchardt has more on what they're seeking to do.](#)

= 9 **Tuition tax-break:** The Ohio House on Wednesday passed [Senate Bill 22](#), which would move Ohio's tax code in line with the recently passed GOP federal tax-reform plan, including allowing tax-advantaged 529 college savings accounts to also be used for K-12 tuition at private schools -- an estimated \$20 million tax break, [according to critics](#). The bill now heads back to the Senate for a concurrence vote.

= **A Local matters:** House members also voted overwhelmingly to pass [House Bill 415](#), which would drive half of any annual state general revenue fund surplus into a new fund for local government road improvements. Representatives also passed [House Bill 422](#) (which would allow municipalities to sell or lease their wastewater or sewage-treatment systems to utility companies).

= 9 **Election officials:** On the other side of the Statehouse, the Ohio Senate voted 27-5 to pass a bill that could reduce from four to two the number of precinct election officials in a multi-precinct voting location that uses electronic poll books. [Senate Bill 21](#) sponsor Joe Uecker said the Ohio Association of Election Officials asked for the bill, and local governments would have the option of whether to reduce the number. The bill now heads to the House.

= 9 **Saving the Crew?** The Ohio Senate unanimously adopted a non-binding resolution urging the Major League Soccer team -- whose [owner has threatened](#) to move it to Austin, Texas -- to stay in Ohio. However, lawmakers appear unwilling to bow to owner Anthony Precourt's demand that the team play in a downtown Columbus stadium, as there is no money

for any stadium in the capital budget bill.

- = 9 **Not a good feel for O'Neill:** An Ohio Democratic Party vetting committee has expressed deep concerns that if Bill O'Neill wins the party's nomination for governor, he could sink the whole Democratic ticket, Capitol Letter's Laura Hancock reports. The committee cited the former Ohio Supreme Court justice's financial and ethical challenges and inflammatory social media posts. Still, O'Neill, a regular critic of party leadership, will be allowed to participate in party debates.
- = 9 **Ted's take:** Ohio 12th Congressional District Democratic candidate Danny O'Connor picked up an endorsement Wednesday from ex-Gov. Ted Strickland. In a statement, Strickland said the Franklin County recorder "represents our best chance of taking back this seat."

## = 9 **Stories We're Talking About**

= 9 **Heavey hammer:** Dr. Jon Heavey, a Rocky River doctor hoping to run for governor, sued the Ohio secretary of state's office over its decision to keep him off the ballot, cleveland.com's Seth Richardson writes. Heavey did not receive enough valid signatures to qualify for the May primary ballot, the secretary of state's office contends. "We're confident we have professional compliance experts working to regain our ballot access," Heavey said in a statement.

= A **Saving pensions:** Ohio's U.S. senators, Sherrod Brown and Rob Portman, were named to a committee whose mission is "to try to preserve union retirees' pensions without a raid on the federal Pension Benefit Guaranty Corp," cleveland.com's Stephen Koff writes. Brown will co-chair the panel.

= 9  
**Fresh look:** The state will begin mailing driver's licenses and identification cards instead of issuing them at Ohio's license bureaus beginning July 2, the Ohio Bureau of Motor Vehicles announced Wednesday. The licenses and cards will also feature a new look with more security features, cleveland.com's Karen Farkas writes.

= 9 **A wealth of information:** U.S. Rep. Jim Renacci is the 16th most wealthy member of Congress, according to Roll Call, [cleveland.com's Sabrina Eaton reports](#). The Republican U.S. Senate candidate is Ohio's wealthiest member of Congress, with at least \$34.4 million in assets. Eaton has Roll Call's rankings for all Ohio Congress members.

= 9

**Nope:** A federal judge in Akron on Wednesday threw out a legal challenge to an Ohio internet harassment law by the liberal blog Plunderbund and the Portage County Tea Party, [cleveland.com's Eric Heisig writes](#). The lawsuit, filed in May, challenged a law passed in April 2016. It claimed that the law was overly broad and violated the First Amendment by prohibiting critical speech of public officials.

## = 9 **Five Questions**

= 9

Republican Frank Hoagland is a first-term Ohio senator who served as a Navy SEAL for nearly 30 years. He and his wife were high school prom king and queen and have been married for over 35 years. They have two grown sons, Luke and Josh.

= A 1. *As a Navy SEAL, you fought the war on drugs. What should Ohio do about the opioid crisis?*

= 9

"We've got to think outside the box...[which] in some cases is extremely difficult to do when you hang around the flagpole... The use of technology is going to be a huge asset in fighting the opioid issue, and some tough love. I've actually been working on a project with some former military guys that is way outside the box of thinking of what we have been doing in the state of Ohio."

= 9 2. *Could you elaborate a little bit on the project?*

= 9 "There is a program out on the West Coast that has gone through a four-year study for guys that have PTSD, anxiety and depression. My first year in office was pretty tough, because I had several of my friends commit suicide and another friend of mine went through this treatment... He hung in there and he's claiming it's because of the treatment that he got... I

believe that if we can treat the mind, the body will follow.”

= 9 3. *You're a retired Navy SEAL and first-term senator. Are there any similarities between the two jobs?*

= 9

“Making the right decision, and that's very serious... In my past life, if I made a decision just an increment of time too early, that could have been a bad decision. If I made a decision just a small increment of time too late, that could have been the wrong decision. Now the difference was, in the world that I came from, people died. In this world, we are talking about policy changes.”

= 9

4. *What do you like to do in your spare time when you're not working as a lawmaker?*

= 9 ⌈ 0 I like to build things. I built my own house. I built my own swimming pool during the campaign, believe it or not. I built it my own self. It saved me a boatload of money.”

= 9 5. *How long have you had your dog?*

= 9 “Since she was a little fur ball. Her name is Stella. I always name my dogs after things that I either do or see. So, when we first bought her... I stand there drinking a beer and my pal says, ‘Hoag, what are you going to name your dog?’ And I am looking at the beer I am drinking, and it said ‘Stella’ ⌈ 0 and below that it said ‘Belgian.’ I got a Belgian [Malinois] dog. I got a Belgian beer. I guess I'll call her Stella.”

## = 9 **What's Going On Today**

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**9 a.m. to 3 p.m. – Women's Fund of Central Ohio Statehouse Day:** Events around the Statehouse include a luncheon with guest speaker Lilly Ledbetter, the plaintiff in a landmark gender pay equity lawsuit.

**9 a.m. – Sen. Frank LaRose to outline changes to voting-machine bill:** The Republican secretary of state candidate plans to discuss a substitute bill to his legislation, Senate Bill 135, that would offer state

money for counties to buy new voting machines. *Harding Press Room, Room 109, Ohio Statehouse.*

= 9 **9:30 a.m. – Senate Finance Committee:** After LaRose's news conference, the panel is set to adopt the sub bill to SB 135. *Finance Hearing Room, Senate Building.*

= 9 **11 a.m. – Betty Sutton to tour manufacturing tech center in Cleveland:** The Democratic candidate for lieutenant governor is set to discuss manufacturing career training programs with administrators at the Tri-C Manufacturing Technology Center. *2415 Woodland Ave., Cleveland.*

= 9 **11:30 a.m. – Rep. Rick Carfagna fundraiser:** The Delaware County Republican is seeking contributions between \$350 and \$1,000. *OHROC, 7th Floor, 21 W. Broad St.*

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**5 to 7 p.m. – Danny O'Connor congressional campaign kickoff:** Sponsor levels for the Democratic 12th Congressional District candidate range from \$100 to \$2,700. Admission for Young Democrats is \$25. *Rambling House, 310 E. Hudson St.*

## = 9 **Birthdays**

= 9

U.S. Rep. Warren Davidson

= 9 Franklin County Auditor Clarence Mingo

= 9 Joseph Nichols, Buckeye Institute strategic partnerships officer  
State Rep. Dorothy Pelanda

The State of Ohio (it was admitted to the Union on March 1, 1803)

= 9

## **Straight From The Source**

= 9 "#BringBackTheMooch"

= 9

- Amanda Wurst on Twitter Wednesday, responding to reports that White House Communications Director Hope Hicks is leaving. Wurst, Democratic ex-Gov. Ted Strickland's press secretary, jokingly advocated for Anthony Scaramucci to return to the post.

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***One of our aims with Capitol Letter is frequent communication with you, the reader. We value your thoughts and suggestions about the newsletter. What do you think of it? What features do you like? What could we do better? Is there a topic you'd like to see us address? And what time would you like to receive the newsletter? We've been sending it at about 6:15 a.m. Would you like it to arrive earlier? We value your feedback and are committed to making Capitol Letter your essential first read of the morning. Email us at***

***Capitolletter@cleveland.com.***

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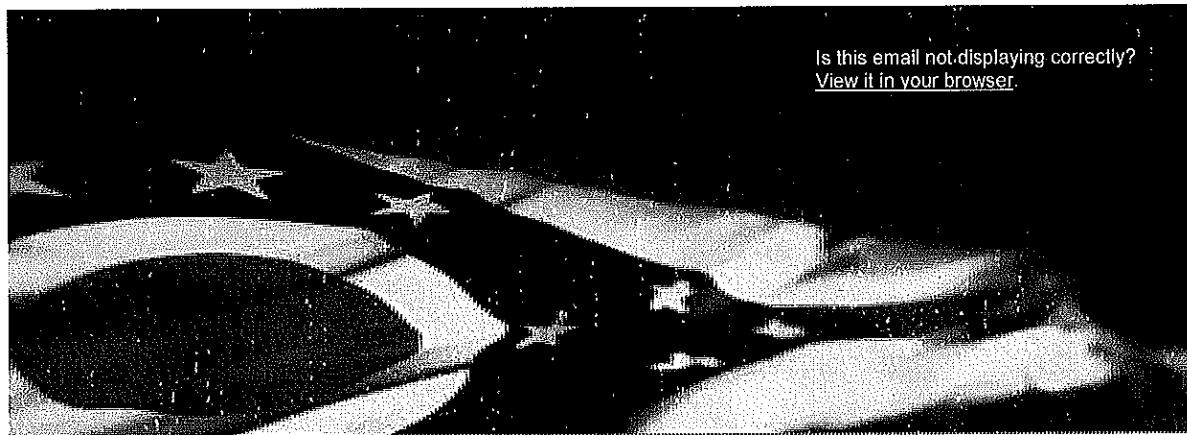
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**From:** Columbus Lawyers Chapter of the Federalist Society  
**Sent:** Thursday, March 1, 2018 12:20 PM  
**To:** Lenzo, Mike  
**Subject:** 2018 Ohio Lawyers Chapters Conference



Is this email not displaying correctly?  
[View it in your browser.](#)

**You are invited to attend:**

**2018 Ohio Lawyers Chapters Conference**

April 6, 2018  
The Westin Columbus  
310 High St.  
10:30 AM - 5 PM

**Attend Event**

On April 6, Federalist Society chapters from around the state will be host the Second Annual Ohio Lawyers Chapters Conference. You won't want to miss it. Participants include:

**Hon. Mary DeGenaro**

Associate Justice, Ohio Supreme Court

**Hon. Gregory G. Katsas**

United States Court of Appeals, District of Columbia Circuit

**Hon. Sharon Kennedy**

Associate Justice, Ohio Supreme Court

**Eric Murphy**

Ohio State Solicitor

**Chad A. Readler**

Acting Assistant Attorney General, Civil Division  
U.S. Department of Justice

**Dave Yost**

Ohio State Auditor

and many more

You can view the full schedule below. This is our chance to build on the phenomenal momentum we started last year. So **REGISTER NOW!**

**Attend Event**

**Registration**

**10:30 AM - 11:00 AM**

## **Opening Remarks**

11:00 AM - 11:10 AM

- **Chad A. Readler**, Acting Assistant Attorney General, Civil Division, United States Department of Justice

## **Introduction to Originalism and Federalism: Where Are the Courts Heading?**

11:10 AM - 12:15 PM

Since the 1980s, the originalist approach to constitutional interpretation has gained greater and greater acceptance in legal circles, and the number of originalists within the Supreme Court and the federal judiciary has grown. At the same time, originalism still has fierce critics who argue that it is an inappropriate method for constitutional interpretation. Likewise, in the last decades of the 20th century the U.S. Supreme Court breathed new life into a federalist view of the Constitution and the relationship between the federal government and the states. As with originalism, the federalist movement has its own strong critics. The panelists will discuss these two legal concepts. What are originalism and federalism, really? Are they valid or flawed? What developments may we see from the federal courts with regard to these concepts in the future—particularly in light of Neil Gorsuch's joining the U.S. Supreme Court in 2017? And how do these concepts apply to the work of ordinary legal practitioners?

- **Professor Jonathan Adler**, Johan Verheij Memorial Professor of Law; Director, Center for Business Law and Regulation, Case Western Reserve University School of Law
- **Eric Murphy**, State Solicitor, Ohio
- **Peter M. Shane**, Jacob E. Davis and Jacob E. Davis II Chair in Law, Ohio State University Moritz College of Law

- **Hon. Gregory G. Katsas**, United States Court of Appeals, District of Columbia Circuit (**Moderator**)

### **Lunch**

12:15 PM - 1:30 PM

### **Criminal Justice Reform: A Necessary Correction or a Dangerous Experiment?**

1:45 PM - 3:00 PM

Demand for criminal justice reform appears to be growing across the political spectrum. Bipartisan coalitions have formed to address overcriminalization, prison reform, bail bond reform, sentencing guidelines reform, and more. Panelists will explore these efforts. Are reforms truly needed, or does the criminal justice system already work well? If reforms are needed, what reforms are best—and are there reforms in other states that may be worth exploring in Ohio? What efforts have the Ohio General Assembly and the Ohio Supreme Court made to address criminal justice reform? Are there arguments that criminal law practitioners should be making in the courtroom in light of these legal developments?

- **Dave Yost**, Ohio State Auditor
- **Robert Alt**, President, Buckeye Institute
- **Heather Childs**, Vice President, Compliance, Capital One
- **Hon. Sharon Kennedy**, Associate Justice, Ohio Supreme Court (**Moderator**)

### **Analyzing Ohio's Judicial System and the Ohio Supreme Court**

3:15 PM - 4:30 PM

What methods of interpretation should Ohio courts use in constitutional matters and in

cases involving disputes over statutory text? Does the Ohio Supreme Court have obligations or restrictions different from those facing federal courts? Are there systemic problems in the Ohio judicial system that the Ohio Supreme Court needs to address? Has the Ohio Supreme Court improperly ignored established precedent or constitutional or statutory requirements in ways that need to be corrected? Can judges really maintain independence if they are elected by voters and must run in partisan primaries? If so, how? What role do lawyers play in building citizen trust and support in the judiciary? Candidates for the two current vacancies on the Ohio Supreme Court will share their views on how the Ohio Supreme Court should address these and other questions. They will also explain how their views are informed and shaped by the Ohio Constitution, the Ohio canons of judicial ethics, and past studies of the administration of justice in Ohio's courts.

- **Hon. Mary DeGenaro**, Associate Justice, Ohio Supreme Court
- **Hon. Craig Baldwin**, Fifth District Court of Appeals
- **Hon. Michael Donnelly**, Cuyahoga County Common Pleas Court

### **Reception**

4:30 PM - 5:30 PM

*Additional information and speakers to come.*

= 9

**Register**

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= A

**From:** Finlay, Serena  
**Sent:** Monday, March 5, 2018 11:11 AM  
**To:** Paretti, Dominic  
**Subject:** Request for Co-Sponsorship – Paid Family and Medical Leave

**REMINDER-DEADLINE TO CO SPONSOR IS THIS FRIDAY AT 4PM**



**MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Janine Boyd and Representative Kristin Boggs  
**DATE:** February 5, 2018  
**RE:** Request for Co-Sponsorship = 6 Paid Family and Medical Leave

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We will soon introduce legislation to create the Ohio Family and Medical Leave Insurance Program. Today we chose to send this co-sponsor request as this date marks the 25<sup>th</sup> anniversary of FMLA (Family Medical Leave Act). This legislation will provide 12 weeks of family and medical leave benefits, which will permit individuals to care for a family member, bond with a new child, or address their own serious health condition.

Out of 178 countries worldwide, the United States is one of three that does not provide paid leave to new mothers. So far five states—California, New Jersey, New York, Hawaii and Rhode Island offer some sort of paid leave to men and women who provide care. The federal Family Medical Leave Act provides 12 weeks of leave for family and medical reasons. This time is unpaid and employers with fewer than 50 employees are exempt, which eliminates a large segment of workers. Ohio should lead on the issue of paid leave to grow our economy and allow working people to put family first.

The program will be under the purview of the Department of Job and Family Services. An individual would receive leave insurance benefits for: a health condition which makes him/her unable to perform their job duties; caring for a new child during after birth, adoption,

or foster care placement; caring for a child, parent, or spouse who has a serious health condition; or the individual is taking any other leave as authorized by the federal Family and Medical Leave Act. In order to be eligible for program benefits, an individual must file a claim with ODJFS; must have worked at least 680 hours during the base period; premiums have been withheld and remitted for at least one year; and the leave must be for the above-mentioned purposes.

Once established, program benefits will be paid by assessing premiums on employees. Employers will be required to deduct and withhold premiums from employee's wages. However, an employer may opt to pay the contributions on behalf of employees.

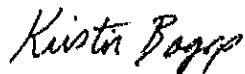
An employee who is covered by an employer policy or collective bargaining agreement that provides the employee with greater leave than that provided by the Family and Medical Leave Act may elect not to participate in the Program in accordance with rules adopted by the Director. An employee who elects to opt out of participating in the Program is not liable for any premium or contribution that would otherwise be due under the Program.

Working people in Ohio should not have to worry about losing their job or falling behind financially just to take care of a sick child or relative; address their own serious health condition; or care for and bond with their newborn child. Ohio cities like Dayton and Cincinnati are leading on leave. By allowing working people to put their family first, we can truly make Ohio a better place to live, work, and raise a family.

If you have any questions or would like to co-sponsor this legislation, please contact Dominic Paretti, at 614-644-5079 or via email at [Dominic.Paretti@OhioHouse.Gov](mailto:Dominic.Paretti@OhioHouse.Gov) and Serena Finlay, 614-466-1896 or via email at [Serena.Finlay@OhioHouse.Gov](mailto:Serena.Finlay@OhioHouse.Gov). **The deadline to co-sponsor is Friday, March 9 at 4:00pm.**



**Janine Boyd  
State Representative, Ohio House District 09**



**Kristin Boggs  
State Representative, Ohio House District 18**

**From:** Max.Behlke@ncsl.org  
**Sent:** Monday, March 5, 2018 4:33 PM  
**To:** Lenzo, Mike  
**Subject:** Cap to Cap: Trump: New NAFTA Would Prevent Proposed Tariffs



# CapitoltoCapitol

NATIONAL CONFERENCE of STATE LEGISLATURES



**Mar. 5, 2018**

***In This Issue:***

**Trump: New NAFTA Would Prevent Proposed Tariffs**

**Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today This Week on Capitol Hill**

**Roadblock to 2018 Infrastructure Bill?**

**Commerce Committees Announce Broad Telecom Package**

**Federal Reserve Chair Jerome Powell Testifies before Congress**

**Senate to Debate Bill That Exempts Small Banks from Dodd-Frank**

**Carrying Firearms in K-12 Schools**

**Court Hears Oral Argument in Janus v. AFSCME Case**

**NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case**

**Opioids Crisis Garners Further Federal Attention**

**Also of Note...**

**Trump: New NAFTA Would Prevent Proposed Tariffs**

Last Thursday, President Donald Trump announced that the United States would impose 25 percent tariffs on imported steel and 10 percent tariffs on imported aluminum. The move, which surprised many in Washington and even many of the president's advisers, rattled the stock market as well as many manufacturing companies that rely on the metals. The announcement also surprised officials in the European Union, who have threatened to retaliate by imposing penalties on \$3.5 billion of U.S. exports, especially on products manufactured in states of Republicans leaders, including Harley-Davidson motorcycles (Wisconsin, Speaker Paul Ryan) and bourbon (Kentucky, Senate Majority Leader Mitch McConnell).

The U.S. has experimented with steel tariffs relatively recently. In 2002, President George W. Bush imposed sweeping tariffs on steel imports but dropped them in 2003. The tariffs raised the cost of steel by 3 percent and a 2003 study by the research firm Trade Partnership Worldwide estimated that the higher steel prices, caused chiefly by the tariffs, cost 200,000 steel-consuming jobs in 2003, largely in manufacturing.

This morning, the president tied the tariffs to the ongoing negotiations to rewrite the North American Free Trade Agreement (NAFTA) by tweeting that the "Tariffs on Steel and Aluminum will only come off if new & fair NAFTA agreement is signed." The comments are not particularly surprising as Canada and Mexico were the first and fourth top suppliers of U.S. imported steel in 2017. Given that it is an election year both in the U.S. and in Mexico, many NAFTA watchers believe that talks to renegotiate the three-country agreement may last the rest of the year. However, retaliation against the U.S. tariffs could come much more quickly.

### **Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today**

Representatives from Mexico, Canada and the U.S. convened over the past week for the seventh round of NAFTA negotiations in Mexico City.

Later today, the seventh-round negotiations are scheduled to conclude with a meeting among the U.S. Trade Representative Robert Lighthizer, Canadian Foreign Minister Chrystia Freeland and Mexican Economy Minister Ildefonso Guajardo. The three top trade officials from the NAFTA countries are expected to hold a press conference after the formal round of negotiations are completed.

Last week, Trump announced plans to impose tariffs on steel (25 percent) and aluminum (10 percent) to protect national security interests. However, Trump has not specified whether he will grant exemptions to the tariffs for key allies and vital trading partners. An eighth round of NAFTA negotiations in Washington, D.C., is expected to be held in early April.

**NCSL Contacts:** [Jon Jukuri](#)

### **This Week on Capitol Hill**

The Senate is turning to banking reform as efforts to pass gun control legislation appear to have stalled. The financial legislation, which will provide relief to small financial institutions and community banks, would be the first rewrite of the Dodd-Frank reform bill, legislation enacted nearly eight years ago in wake of the financial crisis. The legislation is expected to consume most of the chamber's floor time this week.

During its brief sessions on Monday and Tuesday last week, the House passed a bill to make it easier for victims and prosecutors to sue websites linked to sex trafficking. This week, the House is expected to vote on two energy and environment bills: the Blocking Regulatory Interference from Closing Kilns (BRICK) Act and the Satisfying Energy Needs and Saving the Environment (SENSE) Act. The BRICK Act would change certain Environmental Protection Agency regulations to benefit the brick and structural clay ceramics manufacturing industries. The SENSE Act would exempt certain power plants, which burn coal refuse, from parts of a 2012 air pollution rule. The House is expected to vote on the bills on Wednesday and Thursday.

The House is also expected to vote on the Comprehensive Regulatory Review Act on Tuesday, which is aimed at eliminating outdated or unnecessary regulations. The bill would require the audit of financial regulations to be completed every seven years, instead of every 10, and would expand the number of federal financial agencies the review requirements apply to.

**DYK?** Until the adoption of the 20th Amendment to the U.S. Constitution in 1933, U.S. presidents were inaugurated on March 4. However, the first president, George Washington, was not inaugurated until April 30. Although Congress had scheduled the first inauguration for March 4, 1789, they were unable to count the electoral ballots as early as anticipated.

### Roadblock to 2018 Infrastructure Bill?

Last week, Assistant Majority Leader, Senator John Cornyn (R-Texas) conveyed doubt that a large infrastructure package would pass Congress by the end of the year because of the large number of other priorities it must complete. While last month's budget deal calls for a \$10 billion boost to infrastructure funding for both FY 2018 and FY 2019, it remains unclear how such funding will be allocated with broadband, surface transportation, and clean and safe drinking water among a bevy of potential options.

While the funding in the budget deal is needed given the state of the nation's infrastructure, it is far from Trump's proposed \$1.5 trillion infrastructure plan. Senator Tom Carper (D-Del.), the ranking member of the Senate Environment and Public Works Committee, responded to Cornyn's remarks by saying, "I hope he's wrong. This administration, the president has talked so much about infrastructure, transportation, broadband deployment, water, sewer. If we can't figure out a path forward on this, shame on the president, shame on the administration, shame on the Congress."

Although a large infrastructure package may face a difficult road to passage, Congress still anticipates passing two other main infrastructure bills—a full four-year reauthorization of the Federal Aviation Administration (airports and drones) and a two-year reauthorization of the Water Resources Development Act (ports, harbors, inland waterways, and clean and safe drinking water).

**NCSL Contacts:** [Ben Husch](#), [Kristen Hildreth](#)

### **Commerce Committees Announce Broad Telecom Package**

Lawmakers on both the House and Senate Commerce committees have reached a bipartisan deal on a broad package of telecom provisions that will likely be bundled in this month's omnibus bill if a standalone package is not passed beforehand. The deal includes elements of the House's Federal Communications Commission (FCC) reauthorization package, which would provide the agency with more than \$330 million annually in FY 2019 and FY 2020, and includes key provisions from the Senate's Mobile Now spectrum bill. The Mobile Now Act provisions include allowing the FCC to hold upfront spectrum auction bids later this year with the U.S. Treasury.

In a joint statement, House and Senate committee leaders, Representative Greg Walden (R-Ore.), Representative Frank Pallone (D-N.J.), Senator John Thune (R-S.D.) and Senator Bill Nelson (D-Fla.) said the "bipartisan, bicameral product puts consumers first and solidifies the nation's critical telecommunications infrastructure, giving the U.S. a global edge" in the race to develop fifth-generation, or 5G, wireless networks "and in improving internet services across the country."

The legislation, [Ray Baum's Act \(H.R. 4986\)](#), will first be voted on in the House tomorrow, March 6, which is said to be a demonstration vote to congressional leadership that including the legislation in the omnibus bill will not threaten the package's chances of passage.

**NCSL Contacts:** [Danielle Dean](#)

### **Federal Reserve Chair Jerome Powell Testifies before Congress**

Last week, Fed Chair Jerome Powell appeared before the House and Senate [testifying](#) on the Federal Reserve's semiannual [Monetary Policy Report](#). In his first appearance before Congress as one of the nation's top

financial regulators, Powell commented on current economic conditions, addressing hot topics such as inflation, interest rates and the Fed's years-long accommodative monetary policies. Congressional members also peppered Powell with questions on myriad issues ranging from the new tax law and pending banking reform legislation to lending practices and consumer protection. [View the full Senate testimony.](#)

During his testimony, Powell recognized the Fed's congressional mandate of promoting both maximum employment and stable prices—economic dynamics that tend to operate inversely, especially during times of relatively swift economic growth. Powell reported a generally favorable U.S. economic outlook, citing current job gains, economic growth and unemployment (4.1 percent) numbers. He went on to note that the Fed expects the inflation rate to tick upward, moving closer to the agency's target rate of 2 percent.

Questions remain as to the full cumulative effects of the recent tax legislation combined with historically low unemployment, high labor demand and increasing wages. With more money in the economy and wages on the rise, some believe that inflation will rise at a higher pace than anticipated by the Fed. For now, it appears that the Fed will proceed with at least three incremental interest rate hikes this year, with a fourth possible.

**NCSL Contact:** [Ethan Wilson](#)

**DYK?**

Before the 20th Amendment, presidential inaugurations were typically held on March 4. However, when the March 4 fell on a Sunday, as it did in 1821, 1849, 1877, and 1917, the ceremonies were held on March 5.

In 1877, March 4 fell on a Sunday, so on March 3, 1877, Rutherford B. Hayes became the first president to take the oath of office in the White House during a private ceremony. Hayes' also took the oath in a public ceremony on March 5.

On March 4, 1917, President Woodrow Wilson became the first person to break precedent and take the oath of office on Sunday, which was also the first time that the oath was taken privately in the President's Room at the Capitol.

Also, Inauguration day has only fallen on a Sunday three times since the passage of the 20th Amendment. In all three instances, the presidents were sworn in during a private ceremony on Sunday, followed by a public ceremony on Monday.

## **Senate to Debate Bill that Exempts Small Banks from Dodd-Frank**

Last Thursday, Senate Majority Leader Mitch McConnell (R-Ky.) filed a cloture motion on S. 2155, the [Economic Growth, Regulatory Relief, and Consumer Protection Act](#), which is legislation intended to provide smaller banks relief from rules and regulations established under Dodd-Frank. Debate on the measure is expected to last most of the week in the chamber.

In general, the legislation raises the threshold at which a bank is deemed big enough to warrant tighter oversight from \$50 billion to \$250 billion. An initial procedural vote on the bill is expected on Tuesday, where the legislation will need 60 votes to pass, which it is expected to attain given that it is supported by moderate Democrats. More progressive members, however, have vocally opposed the bill. "The Senate—with the support of some Democrats—is set to start debate on a bill to roll back regulations on the same big banks we bailed out a few years ago. If we lose the final vote next week, we'll be paving the way for the next big crash," Senator Elizabeth Warren (D-Mass.) said in a tweet Friday.

Warren, considered a potential 2020 contender, rose through the Democratic Party's ranks by focusing on financial oversight.

**NCSL Contact:** [Ethan Wilson](#)

## **Carrying Firearms in K-12 Schools**

In the wake of the tragic events in Parkland, Fla., federal and state laws governing firearms have been in the forefront of public attention. Last week, the president held a bipartisan meeting to discuss school violence and access to firearms. Trump has indicated support for school staff having access to firearms. This week, the president is expected to meet with "members of the video game industry" to discuss the relationships between violence and video gaming. [Read NCSL's Blog post on Carrying Firearms in K-12 Schools: A Policy Snapshot](#). [NCSL Summary Carrying Firearms K-12 Schools](#)

**NCSL Contact:** [Joan Wodiska](#)

## **Court Hears Oral Argument in *Janus v. AFSCME* Case**

Last week, the U.S. Supreme Court heard oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case considers the question of whether state laws that require the

collection of "fair-share" dues in unions violate the First Amendment. While Justice Neil Gorsuch is expected to be the swing vote, last week he remained silent during the oral arguments.

**NCSL Contacts:** Jon Jukuri (Labor); Joan Wodiska (Education)

**DYK?** Thirty-six hours after his inauguration on March 4, 1933, President Franklin D. Roosevelt declared a "bank holiday," which closed all U.S. banks and froze all financial transactions for a week to stem bank runs during the financial crisis of the Great Depression. Following the bank holiday, on March 9, Congress introduced, passed, and the president signed the Emergency Banking Relief Act, which allowed banks to reopen as soon as examiners had found them to be financially secure. Within three days, 5,000 banks had been given permission to be re-opened.

### **NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case**

On March 2, NCSL, along with the national organizations that represent state and local officials, filed an amicus brief in the U.S. Supreme Court for one of the most important state tax cases in decades: *South Dakota v. Wayfair*.

In this case, South Dakota is asking the Supreme Court to rule that states and local governments may require retailers with no in-state physical presence to collect sales tax. Ruling this way will require the Supreme Court to overturn long-standing precedent.

The amicus brief points out that states and local governments lost an estimated \$26 billion in sales tax revenue in 2015 because they were unable to collect owed taxes. The brief encourages the Court to overturn *Quill*. If the Court decides to replace the physical presence requirement, the brief asks the Court to adopt an economic nexus requirement—like the one the South Dakota legislature adopted.

**NCSL Contacts:** Max Behlke, Jake Lestock

### **Opioids Crisis Garners Further Federal Attention**

This week, the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee will hold a full hearing on the Opioid Crisis: Leadership and Innovation the States. Guest witnesses are Governors Larry Hogan (R) of Maryland and Kate Brown (D) of Oregon. Last week, the president hosted an opioid summit to discuss the administration's efforts to confront the opioid crisis.

**NCSL Contacts:** Haley Nicholson (Health); Susan Frederick (Criminal Justice); Joan Wodiska (Education)

## Also of Note...

- This Democrat Is Running for Congress—but Not Against Trump – [The Atlantic](#)
  - Ryan splits with Trump on trade as GOP lawmakers move to block planned tariffs – [Washington Post](#)
- Inside the \$9.1 Million Effort to Bolster Republican Running in Trump Country – [The Wall Street Journal](#)
- Mueller subpoenas witness for documents tied to Trump, campaign associates: report – [The Hill](#)

[Read the Feb. 26, 2018 Capitol-to-Capitol.](#)

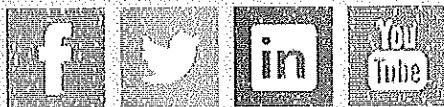
Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey!](#)

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

*Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the [policy directives and resolutions](#) adopted during NCSL's Legislative Summit.*



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**From:** Capitol Letter  
**Sent:** Tuesday, March 6, 2018 6:15 AM  
**To:** Lenzo, Mike  
**Subject:** Westerville ready to host Gov. John Kasich's final State of the State

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Tuesday, March 6, 2018

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# Capitol Letter

Laura Hancock and Jeremy Pelzer

## Capitol Letter's 2018 State of the State Bingo

Arnold Schwarzenegger	Tell kids not to do drugs	JobsOhio	"89 cents in the rainy-day fund"	"McKees Rocks"
Name-drops musician	"Look"	"God-given potential"	Book/article recommendation	Goes on off-script tangent
Medicaid expansion	"Live a life a little bit bigger than ourselves"		Ohio Turnpike	Shout-out to a Democrat
"Live in the shadows"	References The Hobbit	Standing ovation for Karen Kasich	Self-driving cars	"Folks"
"Two paths"	"The Lord"	Guns	"Son of a mailman"	Mentions Mary Taylor by name

Print out your own bingo sheet for Gov. John Kasich's final State of the State address  
Tuesday night in Westerville.

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## Rotunda Rumblings

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**Kasich and the rest in Westerville:** A handful of state government events are planned for Gov. John Kasich's hometown Tuesday morning and afternoon, ahead of the Republican's final State of the State address.

Those include a press conference by the insurance industry and Department of Insurance to talk about the need for qualified people to work in the business, and progress made in recent years in recruiting talent. Lt. Gov. Mary Taylor is expected to speak at 3 p.m. at the Small Business Advisory Council's six-hour meeting, and the Department of Natural Resources has two events planned in Delaware County.

= 9 #SueTheCrew: Ohio Attorney General DeWine, who is running for gov as a Republican, and the city of Columbus on Monday sued the owner of the Columbus Crew and Major League Soccer, to #SaveTheCrew, which has benefited from tax investment, according to a news release from DeWine's office. Owner Anthony Precourt would like a downtown soccer stadium and since the city and state haven't provided one, he's trying to move the franchise to Austin, Texas.

= 9 DeWine sues Monsanto: DeWine also sued Monsanto Co. in Hamilton County Common Pleas Court Monday for producing and selling a toxic chemical associated with cancer, skin and eye disorders, reduced birth weight, liver damage and other health problems, his office announced. DeWine alleges the company sold PCBs, or polychlorinated biphenyls, from 1929 to 1977, despite knowing in the 1930s they were toxic to humans.

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**Serving up pork?** The Buckeye Institute announced a Top 10 Worst Capital Budget Requests of 2018, which total more than \$18 million in spending, much of which it described as pork. The largest offense to the conservative think tank is the proposed \$5 million for the COSI Connection Corridor, a passageway for the Columbus science museum that's going to have retail and restaurant space.

= 9 Snare Daines: Lt. Gov. Mary Taylor picked up a gubernatorial endorsement Monday from Republican U.S. Sen. Steve Daines of Montana. If you're wondering why a Montana senator is weighing in on the Ohio governor= 2s race, it's because Daines and Nathan Estruth, Taylor's running mate, worked together at Procter and Gamble and are both involved with the anti-abortion group the Susan B. Anthony List.

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## = 9 Stories We're Talking About

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**This is the end:** Gov. John Kasich gives his final State of the State address tonight. Cleveland.com's Seth Richardson looked at what to expect from the speech.

= 9 **Everything's fine:** NRA spokeswoman Jennifer Baker pushed back on former Attorney General Marc Dann's column in cleveland.com about being bought by the gun industry, according to the Associated Press. Baker called it a "desperate attention-seeking ploy by a has-been politician."

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**NRAin't worth it:** The good news is Richard Cordray made the progressive magazine Mother Jones. The bad news is it's because of his past love affair with the NRA. The magazine picked up a video from 2010 (sent out by primary rival Dennis Kucinich) of Cordray saying gun ownership is a God-given right and analyzed why that might not be a good thing for Cordray's 2018 chances.

= 9 **Impressed in the Midwest:** Democratic U.S. Rep. Tim Ryan last month led a group of Silicon Valley venture capitalists on a tour of the industrial Midwest (including Akron and Youngstown) – and as the New York Times' Kevin Roose writes, "By the end of the tour, the coastal elites had caught the heartland bug." Among those joining the tour: memoirist J.D. Vance, "who now seems to magically appear every time the words 'Midwest' and 'manufacturing' are spoken aloud."

= 9 **We've got the ticket:** As we told you in Monday's edition, the Statehouse is considering a bill that would help defray some of the costs of holding large events like the NFL Draft. Capitol Letter's Jeremy Pelzer has more details.

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**The sus-Pence!** Vice President Mike Pence is coming to Cleveland on Friday to tout the GOP tax plan, according to cleveland.com's Sabrina Eaton. Also at the roundtable - hosted by a Donald Trump super PAC - will be U.S. Rep. Jim Renacci, the White House's chosen candidate for the U.S. Senate race.

= 9 **Balderson makes it rain:** GOP State Sen. Troy Balderson is raising a

ton of money in the race to replace Pat Tiberi in Congress, according to Jessica Wehrman of the Columbus Dispatch. Balderson said he was "humbled" by the generosity of the people who've given him \$300,000.

= 9 **Back in my day:** The Ohio legislature is considering a bill that would increase the amount of time teenagers have their learner's permit from 6 months to 12 months, according to Laura Bischoff of the Dayton Daily News.

## = 9 **Five Questions**

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Kristine King Robbins is chief of staff in the president's office at Otterbein University in Westerville. She's been the university's representative to various state agencies coordinating Gov. John Kasich's final State of the State address, when 1,100 legislators, press and members of the public will fill the Fritsche Theatre on Tuesday night.

= 9 1. *Have you handled a request to use your facilities that has been this large before?*

= 9 "We've had various candidates ask to speak on campus in the past and have hosted them here. But for us this is probably one of the most historic and biggest events we'll host here on campus because Gov. Kasich is from Westerville. And we consider him part of our community."

= 9 2. *Westerville has been grieving over the deaths of city police officers Eric Joering and Anthony Morelli, who were shot while on a call. Is the community prepared to shift gears to host this event?*

= 9 "I grew up in Westerville and my family moved here back in 1967 so I've been in and around the community for years, and I've never been so proud at how our community has come together – from city leaders and local legislators, state officials and neighbors. ...I think that the country has seen the response of the Westerville community. I think this will give us another opportunity to come together to honor our General Assembly and to honor our governor."

= 9 3. *How are you handling security?*